

**Human Rights
in the
People's Socialist Republic
of
ALBANIA**

Minnesota Lawyers International Human Rights Committee

**HUMAN RIGHTS IN THE
PEOPLE'S SOCIALIST REPUBLIC
OF ALBANIA**

January 1990

**A report of the
Minnesota Lawyers International Human Rights Committee
Minneapolis, Minnesota**

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Appendix 1: Correspondence with Alia Government
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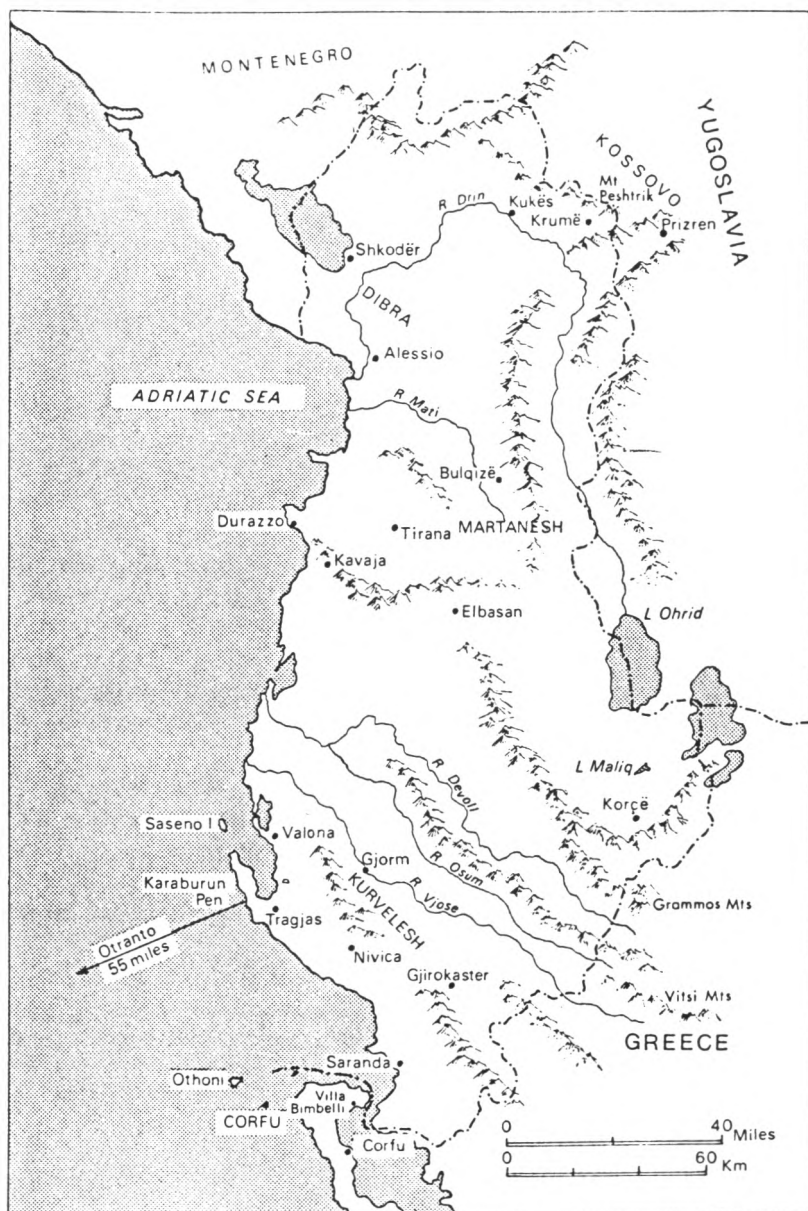
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PREFACE

In the midst of the ongoing struggle for freedom in Eastern Europe, there remains one country that appears entirely untouched by the democracy movement. Albania, a bastion of internal repression and self-imposed isolation from foreign influences, has been overlooked for the past forty years and it seemed, might yet escape scrutiny despite the tide of change sweeping Eastern Europe. The work of an industrious human rights organization, however, now seeks to focus the world's attention on the continuing plight of the Albanian people.

The Minnesota Lawyers International Human Rights Committee has spent two years diligently documenting human rights conditions in the People's Socialist Republic of Albania. Despite the obstacles to human rights investigation posed by the country's shroud of secrecy, the Minnesota Lawyers Committee used thorough methods to unearth testimony of the day-to-day conditions in Albania. The Committee's researchers determined that the Albanian Government has violated, and continues to violate, the most fundamental human rights of its citizens. Their report is the most comprehensive and objective study of human rights in Albania ever published.

Coming at this crucial juncture in the history of Eastern Europe, the Minnesota Lawyers Committee's report sheds needed light upon the status of human rights in Albania. Let us hope that the report will serve to tip the balance, finally and irrevocably, for the long-suffering people of this Balkan country by encouraging the Albanian Government to change its human rights practices. The Albanian people, too, deserve the human rights and fundamental freedoms guaranteed by international law.

Walter F. Mondale
United States Vice President
January 1990

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This report was prepared by Barbara Frey, Carl Soderbergh, Peggy Hicks, Lisa Schiltz, Peggy Chutich, and Lynn Gorguze. The Committee also wishes to recognize Arshi Pipa, Gjon Sinishta, Leonard Fox, Arsinoi Lainiotis, Scott Peters, Richard Sollom, and David Weissbrodt for their contributions to the researching and editing of this report. The Minnesota Lawyers Committee was also assisted in its research and preparation of the report by Marie Bibus, Tom Foley, David Reinschmidt, Sonia Rosen, Kip Wennerlund, and Joshua Wirtschafter. The Minnesota Lawyers Committee also wishes to express its gratitude to Janet Liliemark for her secretarial work in preparing the text of this report.

SUMMARY AND RECOMMENDATIONS

A. Summary of the Report

The present Albanian Government, under the control of the Albanian Party of Labor, came to power in the wake of World War II. It has felt an urgent need to keep foreign interference out and to bridge the gaps of religious differences and tribal rivalries within the country. As a result of its isolationist policies, the Government has evaded international scrutiny of its human rights practices. Despite its self-imposed isolation, by its 1955 membership in the United Nations, Albania is bound by the obligations of the United Nations Charter, including a commitment to uphold human rights, which have been authoritatively defined in the Universal Declaration of Human Rights.

1. Limitations on Movement

The Albanian Government maintains strict control over the movement of its population. All travel and relocation within Albania require prior written Government authorization. Escape from the country is considered treason, punishable by at least ten years in prison, or by death. Heavily guarded borders deter most departures and, thus, make it nearly impossible to seek asylum in a bordering country. Relatives of those who escape are discriminated against in jobs or education and may be sent to remote regions into internal exile. Travel within the country is strictly monitored, and police harass individuals who are traveling or relocating even when they have received official permission. Persons have been beaten and detained for traveling inside the country without official permission.

2. Torture and Detention

Albania maintains an extensive system of prisons and labor camps in which individuals are held on account of their political beliefs. Beatings and other forms of physical and psychological torture are common tools of local police, prison guards, and the *Sigurimi* (secret police). The Albanian Government profits from its use of political detention by using detainees as an inexpensive labor force

for the country's vital mining industry. Those incarcerated in Albania suffer terrible conditions of confinement.

3. Abolishment of Religion

The People's Socialist Republic of Albania is the self-proclaimed "first atheist state in the world." It is the only country that constitutionally forbids all manifestations of religion. Religion was prohibited by law in 1967, turning what had previously been an uncoordinated program of coercion, intimidation, and sporadic violence aimed at clergy and their congregations, into a systematic campaign of repression and violence. An extensive security network, which relies heavily on informants, including children, who are encouraged to report on the religious activities of their parents, continues to enforce anti-religion decrees. Although the Government now states that religion may be practiced as a private matter, historical evidence and numerous recent testimonies refute the Government's assertions. Albania's Constitution and laws still proscribe the teaching, practice, texts, and symbolism of any religion.

4. Restrictions on Free Expression

The Albanian Government uses various means to control expression. Only State-sponsored journalism, media, art, and writing exist. Individuals working in those fields are trained in Government-controlled institutions and are dependent on Government commissions. Albanian citizens' rights to free expression and association are drastically curtailed by the fear of informants and the threat of harsh physical abuse and long prison terms.

5. Discrimination against Minorities

The Government's policies have affected all sectors of the population, including the large Greek minority. The abolition of religion has disrupted the Greek community, whose cohesiveness depends on shared religious, as well as ethnic, ties. The Government has attempted to eradicate the use of many Greek names for people and places. The Albanian Government has employed internal exile and other

population movements to reduce the size of areas designated as Greek, thereby causing them to lose their minority status, including the right to Greek language schooling. Emigrés report that the Greek language may not be spoken in most public institutions and that most Greeks are afraid to speak their native tongue outside their homes. The Albanian Government's attempts to create a uniform nation through the suppression of cultural identity fundamentally violate the cultural rights of ethnic minorities.

6. Women's Rights

Since the Albanian Party of Labor came to power in 1946, significant gains have been made in women's rights. Albanian women were historically relegated to a status of legal and social inferiority. Women's legal equality is now affirmed by the Albanian Constitution. Women are participating in large numbers in the work force, as students, and in politics. It is not clear, however, whether such changes have been paralleled by changes within the home. Without such changes in the personal as well as professional lives of women, the burden of the family and outside employment will fall on women. The Government's current high population growth policies further exacerbate this problem.

7. Intrusion into Family and Privacy

The Albanian Government extensively interferes with the rights of privacy and protection of the family. In particular, the Albanian Government views the family as one of the last strongholds of religion, monitoring family life for any signs of religious practice. The Government also intrudes for other information. The Government's methods include spying done by children, adult informants, and censorship of mail. The Albanian Constitution permits these practices.

8. Economic and Social Rights

During the past forty years, the Albanian Government has made some gains in the field of economic and social rights.

Although access to education is affected by political status, the Constitution states that "eight-grade education is universal and compulsory." The provision of certain forms of free medical care has been extended into most rural areas, and the average life expectancy has risen sharply. At the same time, however, the country suffers from severe food shortages and extensive rationing. Salaries are extremely low, and consumer durables are in short supply. While the Constitution guarantees the equitable distribution of wealth, wages vary widely, and the elite reserve certain privileges for themselves.

B. Recommendations to Albanian Government

The Minnesota Lawyers Committee recommends that the People's Socialist Republic of Albania:

1. Express publicly its adherence to the Universal Declaration of Human Rights, and that it ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;
2. Publish and disseminate the above international instruments in Albanian and express its intention to the Albanian people to comply with these instruments;
3. Repeal Article 37 and the portions of Articles 49 and 55 of the Albanian Constitution of 1976 that forbid the practice of religion and permit only the Government-sponsored view of the world. The Government should also repeal all laws that proscribe religious belief and practice and espouse a new policy of religious tolerance as guaranteed in Article 18 of the Universal Declaration of Human Rights;
4. Guarantee freedom of movement, both within the country and outside the country, and permit increased access to the country by foreign visitors;
5. Assure that individuals are not arrested arbitrarily,

imprisoned for nonviolent opposition to the Government, sentenced without trial, tortured or ill-treated, and used as forced labor;

6. Guarantee freedom of expression in all areas of Albanian life, including artistic freedom, an uncensored press, and freedom to express one's own opinion;
7. Protect the cultural rights of Greek and other minorities, including the use of their native language, opportunity to study their native language and culture, the freedom to give their children ethnic names, and legal protection from discrimination in all areas of economic and social rights.
8. Respond to the inquiries of international organizations such as the United Nations and nongovernmental organizations by participating in public dialogue concerning their human rights policies and by allowing visits of human rights and other international organizations to verify the Government's compliance with its international human rights obligations.

C. Recommendation to Foreign Governments and International Organizations

The international community should seek an end to the forty years of Albania's self-imposed isolation and urge the Government to improve its human rights practices. Governments that have diplomatic relations and trade relations with Albania, such as the Federal Republic of Germany, France, Italy, and Yugoslavia, have been hesitant to release information about Albania's human rights record out of fear that their relations or their interests in Albania will be harmed. Albania is one of the world's largest producers of chrome, and those countries that rely on Albania to provide this commodity must share some of the responsibility for Albania's treatment of its own citizens. All governments engaged in trade and diplomacy with Albania should urge the Albanian Government to put an end

to its human rights violations and open its boundaries to allow international scrutiny of its human rights practices.

Albania should continue to be scrutinized under procedures established by the U.N. Economic and Social Council resolutions 728F, 1235, and 1503 -- international procedures that address consistent patterns of gross violations of human rights. Consideration of Albania by the U.N. Commission on Human Rights, the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, the U.N. Special Rapporteur on Religious Intolerance, the U.N. Special Rapporteur on Torture, and the U.N. Special Rapporteur on Summary and Arbitrary Executions should also be a priority.

Human rights organizations should not be deterred by Albania's screen of silence from investigating violations and recommending changes in the Government's practices. Concerned organizations and governments should make greater efforts to share their information about Albania and utilize it in international fora to bring about improvements in Albania's human rights record. Communities in exile should work in greater harmony toward the single goal of protecting the human rights of all Albanian citizens. Documentary evidence provided by various groups in exile should be inclusive in scope, covering the rights of all Albanians and not attempting to foster special advantages of one interest group over another.

I. INTRODUCTION

A. Objectives

The Minnesota Lawyers International Human Rights Committee¹ undertook this study of human rights in Albania as the second in a series of studies of countries whose human rights practices have largely evaded international scrutiny. The first such study resulted in the joint publication, *Human Rights in the Democratic People's Republic of Korea*, by Asia Watch and the Minnesota Lawyers Committee in December 1988. Because of its isolationist policies and draconian anti-religion laws, the tiny Balkan country of Albania was selected as the Committee's next subject of investigation.

There is a compelling need to conduct research on isolated countries that attempt to stifle international criticism of their internal human rights practices. By evading scrutiny, these countries are free to carry out systematic human rights violations without having to answer to the outside world. Human rights organizations ensure their credibility by the evenhanded monitoring of human rights conditions throughout the world. It is therefore important, despite the difficulties encountered in documenting human rights in a closed country like Albania, that a human rights organization such as the Minnesota Lawyers Committee undertake the kind of examination found in this report.

The difficulty with documenting the human rights record of an isolated country such as Albania is that traditional human rights investigatory methods are virtually impossible. Most human rights reports are based upon fact-finding missions to the country of inquiry. The Minnesota Lawyers Committee twice requested permission to enter Albania and review the human rights situation firsthand.² The

¹ Hereinafter referred to as the "Minnesota Lawyers Committee," or "Committee."

² See letters to the Albanian Government requesting permission to conduct an on-site investigation, Appendix 1.

Committee received no response to either request. Considering the inability to conduct an on-site investigation, the Committee turned to all other possible methods.

Although the Committee believes that this study presents a substantial compilation of human rights violations committed by the Government of the People's Socialist Republic of Albania, some conclusions are by necessity phrased in tentative terms. The Minnesota Lawyers Committee believes, nonetheless, that its findings and conclusions are based on fact and represent the most comprehensive and objective picture of the current human rights situation in Albania. Where possible, the Committee attempted to corroborate information from several different sources. Any weaknesses or gaps, which may occur due to the lack of available information, can be amended through future research. The inability of our researchers to corroborate essential information through an on-site investigation must be taken into account in evaluating this study. Any inaccuracies or omissions in this report are, in large part, due to the Albanian Government's official policies of maintaining a screen of silence around the country.

B. Methodology

1. Albanian Documents

The Minnesota Lawyers Committee has reviewed original Albanian documents from various sources, such as school texts for Greek minority schoolchildren, books by official Albanian spokespeople on education, and official statistical profiles of the country. The Committee has also obtained an official translation of the Constitution and one of the few available copies of the Albanian Penal and Penal Procedure Code, parts of which have been translated by an official translator. Finally, in an effort to exhaust all creative avenues of investigation, the Committee surveyed literature written by leading Albanian authors that reflect the state of artistic expression within the country.

2. Other Documentation

The Minnesota Lawyers Committee has attempted to gather all possible secondary documentation on Albania. This included a subscription in 1988 and 1989 to the Foreign Broadcast Information Service (FBIS), which provides translations of Albanian news articles and radio broadcasts. Through FBIS, the Committee monitored articles written in the Albanian press about conditions inside the country. Searches of relevant periodicals were conducted, surveying all substantive articles written in the American and other countries' press during the past several years. Several newsreel videotapes of broadcasts regarding conditions in Albania were viewed. In general, the videotapes were taken by journalists visiting Albania, including Greek television and the American NBC network. The Minnesota Lawyers Committee subscribed to the Economist Intelligence Unit's *Country Profile* on Albania for economic information, newsletters written by Albanian exile community groups, and gathered all available human rights documentation about Albania produced by groups both in the United States and in Europe. Several photographs of Albania have been given to the Committee by persons allowed to visit the country and by anonymous sources.

3. Personal Interviews

a. Emigrés

Minnesota Lawyers Committee volunteers interviewed 49 individuals, most of whom left Albania in the last three years. These interviews took place all across the United States and in Albania's three neighboring countries: Greece, Italy, and Yugoslavia. Through contacts with refugee organizations, the Committee monitored recent arrivals from Albania. Persons from varied backgrounds were particularly sought out for interviews.

Throughout this report, the Minnesota Lawyers Committee has assigned arbitrary alphabetical letters to these emigré interviews. Some of the emigrés gave us permission to publish their names; however, it was decided to keep all

interviews confidential due to the potential threat to the safety of relatives still living inside Albania. As the report describes, retribution against family members is an ongoing practice. So as not to endanger any firsthand sources by identification through name or other obvious characteristics or circumstances, none of the interviews is released *in toto*. On a few occasions, extraordinary circumstances required that no reference be made to the source of the statement. Finally, the term *émigré* is used throughout the report to describe individuals formerly residing in Albania. This term is used for descriptive purposes only and is not intended to carry any legal definition of an individual's status.

b. Experts

Minnesota Lawyers Committee volunteers interviewed experts on Albania throughout Europe and the United States. These interviews are cited in the report with names, places, and dates. Included in this category are exiles from Albania who left the country several decades ago; academics; leading religious figures in Albanian exile communities; journalists; diplomats who have worked on Albania and who have entered Albania on official diplomatic business (in these cases, interviews with the diplomats are kept confidential); social workers and refugee officials who work with Albanian émigrés; and, finally, interviews with members of watch groups and nongovernmental organizations with knowledge of human rights practices in Albania (for example, Amnesty International in Italy and Greece, the Catholic Alliance, and the Albanian Catholic Information Center).

4. Research Steps

In an attempt to overcome the many obstacles to researching the human rights practices of Albania and in preparing the most objective and thorough report possible, the Minnesota Lawyers Committee took several important steps. First, the Committee recruited the assistance of volunteers fluent in Albanian, Greek, and Serbo-Croatian. While no full-time consultant was available to assist with Albanian language translation, several experts offered help with the shorter translations. The Minnesota Lawyers

Committee also contracted a certified Albanian translator for longer translations. Interviews in the United States were either conducted in English or through an Albanian language interpreter. Interviews in Greece were conducted through Albanian-to-Greek language interpreters. Interviews in Yugoslavia were conducted through Albanian-to-Serbo-Croatian interpreters.

Second, the analysis of the report is based upon the internationally accepted definition of human rights set forth in the Universal Declaration of Human Rights. Because the Universal Declaration provides the most universally accepted human rights norms, it is an appropriate standard against which to present and analyze the human rights situation in Albania. Although Albania has not expressed its commitment to be bound by the Universal Declaration, it is the position of the Minnesota Lawyers Committee that Albania, having agreed to be bound by the United Nations Charter, is also bound by the obligations enumerated in the Universal Declaration.³ In accordance with this analysis, each chapter of this report begins with pertinent provisions of the Universal Declaration of Human Rights. These citations allow the reader to assess the degree to which the Government of Albania complies with universally accepted human rights norms.

Third, the Minnesota Lawyers Committee sent a draft of the report to the Albanian Government for its response and comments before publication. Appendix 2 contains the Committee's letters to the President of Albania and to the Ambassador of the Permanent Mission of the People's Socialist Republic of Albania at the United Nations. At the time of this publication, the Minnesota Lawyers Committee had received no response to its communications with the Albanian Government.

³ See *infra* chapter "International Legal Obligations" p. 26.

C. Conclusions

The Minnesota Lawyers Committee has attempted to document the human rights situation in Albania by using all possible resources available without being able to conduct an on-site visit to the country itself. Despite the barriers faced in such documentation, the Committee believes this report represents the most comprehensive view of the relationship between the Albanian Government and its citizens published to date. The Committee hopes that the report will serve to encourage the Albanian Government to abide by its international obligations to promote and protect the human rights of its citizens.

II. ALBANIAN HISTORY, ECONOMY, AND POLITICS

A. Introduction

Albania has suffered violent conquest at the hands of other countries for centuries. In 1912, when Albania freed itself from the Ottoman Empire, it was the last country to achieve independence in the Balkans. It only retained this independence until 1939, when the Italian army invaded. The country won its freedom again in 1944. Hence, Albania has only been independent for a total of some seventy years. With this long tradition of foreign intervention, the new Government of 1944 felt a clear need to forge an independent and unified nation.

Albania has long retained a clan-oriented, ethnically divided culture. Albania remained an inaccessible part of the Ottoman Empire where strong pre-Christian and pre-Islamic traditions persisted relatively intact. This history continues to have an impact on human rights. Because the Government fears both external interference and internal division, attacks on dissent are particularly harsh.

B. Albanian History

1. Early History

Although the Albanian language does contain some Greek, Latin, and Slavic words, it is quite different from these related languages. This mixture of languages illustrates the unique ethnic origins of the Albanian people. The people and the language are divided into two regions: the mountain-dwelling northern population called Ghegs, and the southern primarily farming population called Tosks. Both groups are considered descendants of the ancient Illyrian tribes.

The Illyrians were related to the Thracians and the Macedonians and are known to have lived in the Balkans as far back as the second millennium B.C. The Illyrians were first united under King Bardylli in fourth century B.C. He made Scodra (present-day Shkodër) his capital. Illyrian culture encompassed a broad geographic area and Illyrian

tombs have been uncovered as far north as the Austrian Alps.

The Romans captured Gentius, the last Illyrian king, in 167 B.C. While it took several centuries for Rome to subdue Illyria, the region flourished as a Roman province under the name of Illyricum. It straddled the main road to Byzantium and was home to some of the most influential Roman leaders. Emperors Claudius, Aurelianus, Diocletian, Constantine, and Justinian are all said to be of Illyrian origin. After the Roman Empire was split in A.D. 395, Illyricum found itself divided as well. The northern region followed Rome, and the southern half went to Byzantium. This division continues to affect Albania today: the majority of Catholics are found in the north around Shkodër and most Orthodox live in the south.

The following centuries were times of great turbulence, and the region suffered repeated invasions. The Slavs attacked between A.D. 570 and A.D. 580, and the Bulgars followed in A.D. 851. Normans marched on the region at the end of the 11th century and were probably the first to use the name "Albania."¹ At the time, it was recorded that locals called themselves "Arbënesh" or "Arbëresh." The name is believed to have derived from an Illyrian tribe called "Albanoi" who lived in north-central Albania.²

Charles I of Anjou, King of Naples and Sicily, marched into Durrës in 1272 and proclaimed himself "Rex Albaniae" of the Kingdom of Albania. For about a century, Albania existed as a political, albeit not independent, entity. During this time, Albanian feudal lords retained considerable power and posed a significant threat to Venetian interests in the Adriatic. Venice pitted one lord against another, thereby opening the door to the Ottomans. In 1385, Karl Thopia,

¹ Albanians call their country *Shqipëri* (Land of the Eagle) and themselves *Shqiptarë*.

² P. Prifti, *Socialist Albania Since 1944: Domestic and Foreign Developments* 3 (1978).

lord of Durrës, lost his holdings to the Balsha clan and appealed to the Ottomans for help. They intervened and defeated the Balshas. The Ottomans then invaded the country in 1423.

2. Albania Under the Ottomans

Ottoman involvement in Albania lasted approximately 500 years. Initially at least, the Albanian feudal lords maintained a certain degree of independent power. The Ottomans required that the lords pay tribute and send their sons as hostages to the Porte. The Ottomans offered "timars" --military fiefs -- to the lords and thereby came to some conciliation with many of them. The lords' children were educated at the Porte, and many rose to prominence as Ottoman officials.

During the 1400's, though, Ottoman control over Albania was tenuous at best. This loss of control was in large part due to the efforts of Gjergj Kastrioti, known as Skënderbeg, Albania's national hero. Skënderbeg had been sent to the Porte as a child-hostage and had risen to the rank of general in the Ottoman army. In 1424, he fled to his father's castle and raised the Albanian double-headed eagle standard. He renounced Islam and gathered an independent Albanian military force. For the next 24 years, Skënderbeg managed to hold off repeated Ottoman expeditions until his death of malaria in 1468. In an act symbolic of Skënderbeg's international renown, Pope Nicholas V conferred the title of "Champion of Christendom" upon him. For the rest of the century, Albanians continued to fight Ottoman control. Many went into exile to Sicily and Greece, where they settled permanently. The Albanian-Italian settlements still retain the pre-Ottoman traditions and the old name of the "Arbëresh."

In the south, among the Tosks, the Ottomans gained more extensive control over the countryside beyond the cities than with the northern Ghegs. The Ghegs retained their old tribal structures and were granted a certain degree of self-government. Families were grouped into a "fis" or clan; several of these clans in a geographic area formed a larger

union or "bajrak" with a hereditary leader. The Ottomans used pre-existing divisions within the population to maintain their control. The Albanian language was spoken but not taught. The only schools that were allowed were either Muslim or Greek Orthodox. Conversion to Islam was encouraged by taxing Christians, excluding them from Government positions, and by a lack of educated local priests. By the end of Ottoman rule, about two-thirds of the Albanian population had converted to Islam. The Ottomans also co-opted Albanians: some 27 grand viziers of the Empire were of Albanian origin.

Albanian culture developed as an amalgam of pre-Christian, Christian, and Muslim influences. Up through the twentieth century, the Ghegs in the north obeyed the Canon of Lek Dukagjin, an unwritten law dating back to the 15th century, but probably including far older customs. This law governed various questions of honor, blood feud, and criminal justice.³ Traditional clothing and artifacts reflected pre-Christian beliefs.⁴

During the 1800's, Albanian unrest increased. The Arbëresh in exile were exposed to European nationalist thinking as reflected in their publications. Local uprisings inside the country added pressure on the Ottoman Government. The Ottomans attempted to regain control when, in 1830, Commander-in-Chief Mehmed Pasha invited the southern Albanian pashas and beys (Ottoman titles for the local lords) to Monastir, promising rewards. Instead, he had 500 of them put to death in one day. During the rest of the decade, the Ottomans attempted to revise their taxation and army drafting systems in order to gain revenue more effectively. These actions spawned further unrest during the 1840's.

Nationalist sentiment grew increasingly heated at the time of the Treaty of San Stefano, following Russia's victory

³ E. Durham, *High Albania* 25-38 (1909, reprinted 1985).

⁴ See, e.g., *id.* at 51, 54.

over the Ottoman Empire in 1877. The Treaty called for the division of Albania between Serbia, Bulgaria, and Montenegro. At a gathering in Prizren in Kosovo, Albanian community groups sent delegates who created the Albanian League. Although the League was defeated by the Ottomans in 1881, it marked the first coordinated effort to free Albania from foreign occupation. Underground Albanian nationalist groups continued operating inside Albania and elsewhere in the Empire. Through their activities and the increasing weakness of the Ottoman Empire, Albanian independence was officially proclaimed in 1912 by a gathering of representatives from communities both within and outside the country. On 28 November 1912, delegates from around the country gathered in Vlorë to witness the raising of the Albanian flag.

3. Albania in the Early Twentieth Century

Foreign meddling did not end with Albania's proclamation of independence. In 1913, the Great Powers recognized Albanian independence but only at the cost of several stipulations. Albania was to be governed under Great Power supervision, and its sovereign was chosen by foreigners. The Great Powers selected the German Prince Wilhelm Wied. He arrived in March 1914, but lasted only until September when troops from neighboring countries forced him out of Albania. During World War I, the country suffered incursions by the military forces of Serbia, Montenegro, Austria-Hungary, Italy, Bulgaria, France, and Greece. In 1915, England, France, Italy, and Russia signed a secret agreement providing for Albania's post-war partition. Although the agreement was never carried out, large sections of the country were placed under foreign control following World War I.

Beginning in 1921, Albania experienced a short period of democracy with a functioning chamber of deputies and political parties. Bishop Fan Noli led a government for a short time in 1924. Bishop Noli was also involved in developing an independent Albanian Orthodox Church. A rival to Bishop Noli, Ahmet Zogu, also rose to prominence in the early 1920's. Zogu was forced into exile by Bishop

Noli's coalition, but then amassed enough power to have himself elected president in January 1925. Bishop Noli, in turn, was exiled. Then, in September 1928, Zogu created a monarchy and crowned himself King Zog. Zog's reign was based on a coalition of merchant and land-owning interests and lasted little more than a decade. On Good Friday, 7 April 1939, the Italian army invaded Albania and quickly overran the country. Zog fled to Greece with his family; opposition to the Italians crumbled without his leadership.

Italy attempted to "Italianize" their new possession. On the day of the invasion, Albania was officially placed in "union" with Italy. In 1940, the Albanian collaborator government declared itself at war with Italy's enemies. Italy also instituted Italian language training. This linkage between Albania and Italy caused Albania to be rejected from the 1946 Paris Conference of Allies and from the founders of the United Nations.

4. Albania and the Communist Party

The Communist Party of Albania⁵ was formed in 1941 with Enver Hoxha, a teacher from Korçë, as provisional General Secretary. Prior to the Italian invasion, Communist groups had already formed in Tiranë, Korçë, and Shkodër. The Communist Party was active both politically and militarily. Indeed, at the height of its power, the Albanian National Liberation Army (the military wing of the National Liberation Front -- a coalition composed primarily of the Communist Party together with some other non-Communist individuals) was comprised of 70,000 troops.⁶ The Yugoslav Partisans provided the Albanian Communist Party with military instructors and political advisers. Tito intervened

⁵ The Party was renamed the Party of Labor after World War II.

⁶ P. Prifti, *supra* note 2, at 15. Julian Amery of the British mission, however, set the maximum Partisan strength at about 20,000. *Id.*, at note 18; Cf. Amery, *Sons of the Eagle* (1948).

so that the Albanian Communist Party was recognized by Comintern in 1942.

Two non-Communist resistance groups were formed. Abaz Kupi, a former army officer, led Legaliteti, which had been created in November 1943 and was loyal to the exiled King Zog. Midhat Frashëri, former Albanian Ambassador to Greece, organized an anti-Communist, anti-Fascist group, Balli Kombëtar. Initially the Communists and the Balli Kombëtar cooperated, but by 1943, open hostility had broken out. Attempts by British commandos at reconciliation failed. When German forces replaced the Italians after Italy's defeat in September 1943, Balli Kombëtar worked with the Germans to try and defeat the Communists. Balli Kombëtar was defeated by Communist attacks and its leadership was forced to flee in November 1944. Legaliteti also collapsed at about the same time; both non-Communist groups fell prey to internal dissent and lack of outside support. Germany had already commenced its withdrawal from Albania, and, on 29 November 1944, the Communist leadership announced Albania's liberation. Elections were held on 2 December 1945, and, with no other parties running, the Communist Party won 93% of the vote. A Constitutional Assembly was convened, and it proclaimed the Albanian People's Republic on 10 January 1946.

C. Foreign Relations

Initially the Albanian leadership under First Secretary Enver Hoxha remained closely linked to Yugoslavia. A treaty of friendship by the two countries was signed in 1946. The Albanian Government claims that Tito was hoping to have Albania join a southern Balkan federation under Tito's control.⁷ The Yugoslav Government tried to undermine the positions of key Albanian leaders and replace these individuals with others more sympathetic to Yugoslav interests. In the meantime, disagreements arose between the Soviet and Yugoslav Governments. The Yugoslav Communist Party repudiated Stalinism in 1948, and Stalin

⁷ P. Prifti, *supra* note 2, at 20.

denounced Tito in the same year. The Albanian leadership took advantage of this rift and sided with the Soviets. First Secretary Hoxha purged those Albanians who had been pro-Yugoslav, and Stalin backed First Secretary Hoxha with economic aid.

Albanian relations with the United States and Great Britain worsened during the 1950's because of the Philby affair. From 1949 to 1953, C.I.A. and British intelligence tried to undermine the new Albanian Government by sending in hundreds of exiled Albanian operatives. Kim Philby, the British double-agent, forewarned the Albanian Government, resulting in every agent being immediately caught and executed. Relations between Albania and Great Britain remain tense today because Albania refuses to compensate Britain for two British warships sunk by mines (presumably planted by Albania) in the Corfu Channel in 1946. In its stead, the British Government holds 36 million US dollars of Albanian gold seized during World War II.

Throughout his rule, First Secretary Hoxha remained loyal to Stalin and his policies. He was put in a difficult position when, after Stalin's death, Krushchev called for the rehabilitation of those who had been persecuted under Stalin. First Secretary Hoxha saw this action as a threat to his position, compounded when Krushchev tried to woo Yugoslavia. Arguments also arose from perceived Soviet interference in the Albanian economy. In 1961, the Soviet leadership denounced Albania at the 22nd Party Congress in Moscow. They also suspended diplomatic relations at that time. Later, in 1961, both governments removed their diplomatic staffs from the other's capital. Following the invasion of Czechoslovakia in 1968, the Albanian Government withdrew from the Warsaw Pact. While relations with the Soviet Union are precarious, Albania continues to trade with other Council of Mutual Economic Assistance (CMEA) countries.⁸

⁸ Founder members were Bulgaria, Czechoslovakia, Hungary, Poland, and Romania. Later admissions included Albania (1949; ceased participation in 1961), German

Meanwhile, the Albanian Government sided with the People's Republic of China and became its advocate in the United Nations and other fora. In 1973, for example, Albania sponsored the United Nations resolution admitting China into the United Nations. In return, China provided Albania with technology, instructors, military assistance, and large amounts of economic aid.⁹

Differences arose between China and Albania when China sought an expanded relationship with the United States. In the early 1970's, deliveries of Chinese goods were increasingly delayed, and overall trade declined. Under an agreement signed in July 1975, developmental credits were cut in half and the Chinese Government refused to underwrite any more projects. In 1976, Albania denounced the Chinese Government following the overthrow of the "Gang of Four." The Albanian leadership also feared that Yugoslavia and China might side with each other; these fears seemed confirmed by Tito's visit to Beijing in 1977. Albanian criticism continued regarding China's policies. At the same time, Albania tried to woo China's Third World allies such as Kampuchea and Vietnam. Finally, in July 1978, the Chinese Government sent a diplomatic note stating

Democratic Republic (1950), Mongolia (1962), Cuba (1972), Vietnam (1978). Yugoslavia takes part in 19 CMEA activities, and Afghanistan, Angola, Ethiopia, Laos, Mozambique, Nicaragua, and the People's Democratic Republic of Yemen send observers to some CMEA bodies. [CMEA is the official abbreviation. Other unofficial abbreviations are COMECON and CEMA.] *The Statesman's Yearbook* 1989-90 48 (126th ed. 1989).

⁹ In 1978, the Albanian Government reported that it had received a total of 1.4 billion US dollars in economic assistance from the People's Republic of China. U.S. Department of State, *supra* note 1, at 3. Chinese estimates of total Albanian debt to China, which was written off in 1978, range as high as 5 billion US dollars. Pipa, *Reflections on the Development of Stalinism in Albania*, *Across Frontiers* 24, 25 (Spring and Summer 1986).

that it had ended all aid and trade, and that it was recalling its experts.

Albania's relations with China have improved in the 1980's. In 1983, bilateral trade resumed. Two years later, both governments signed a trade agreement which included spares for the machinery which the Chinese had left behind in 1978. Another trade protocol was signed most recently in December 1988. The Albanian Government, however, continues to view the Soviet Union with hostility, fearing in part that the Soviet Government might seek to regain access to the naval base it built in Vlorë at the entrance to the Adriatic. As a measure of the Albanian Government's feelings, Soviet condolences at the time of First Secretary Hoxha's death in April 1985 were rejected as inappropriate. In fact, no foreign delegation was allowed to attend First Secretary Hoxha's funeral. Beginning in the latter half of the 1970's, the Albanian Government took a staunchly isolationist, non-aligned posture. This approach was underscored by the following provision in the 1976 Constitution which forbids any foreign borrowing:

The granting of concessions to, and the creation of, foreign economic and financial companies and other institutions or ones formed jointly with bourgeois and revisionist capitalist monopolies and states, as well as obtaining credits from them, are prohibited in the People's Socialist Republic of Albania.¹⁰

D. Internal Political Structure

Albania's isolation abroad in the late 1970's occurred at the same time as a series of purges from 1973 to 1976 at home. Those purged included the liberal intelligentsia, those who had experimented with decentralized planning, and military chiefs who feared the consequences of Albania's isolation. Premier Mehmet Shehu, who had been so instrumental as military commander during World War II, continued to support First Secretary Enver Hoxha throughout this

¹⁰ Albanian Const. art. 28.

period. Shehu's position was undercut, however, as most of the former Cabinet were forced out. In 1981, Shehu himself died in what was reported to the public as a suicide. Hoxha said that Shehu was plotting to kill him and, furthermore, that Shehu was a foreign agent. After Shehu's death, then Chairman of the Presidium Ramiz Alia was groomed to be Hoxha's heir. Hoxha died in April 1985, and Ramiz Alia succeeded him. Symbolic of the change of government, after Hoxha's death, the Government stopped celebrating Stalin's birthday. Observers are still uncertain whether Alia's Government will make significant changes to past practices. As one commentator notes, Alia's position owes much to his predecessor, so he is unlikely to repudiate Hoxha's legacy.¹¹ Hoxha's son is also married to Alia's daughter.

Aside from the personal power wielded by First Secretary Alia, the Party of Labor dominates Albanian politics. Its membership totalled 123,000 at last reported count in 1981.¹² At the top of the Party sits the Politburo which has 13 full¹³ and five alternate members. Only one of the full

¹¹ P. Artisien, "Albania: Recent Developments," Speech at the National Association for Soviet and East European Studies Annual Conference, Fitzwilliam College, Cambridge, at 18 (20-28 Mar. 1987).

¹² The Economist Intelligence Unit, *Country Profile: Bulgaria, Albania* 29 (1988-1989) [hereinafter cited as *Country Profile*].

¹³ The Albanian Politburo's full members (as of August 1988) are: Ramiz Alia (Party First Secretary, Chairman of Presidium); Muho Asllani; Besnik Bektashi (Deputy Prime Minister); Foto Çami (Central Committee Secretary); Adil Çarcani (Prime Minister); Hajredin Çeliku (Minister for Industry and Mining); Lenka Çuko (Central Committee Secretary); Hekuran Isai (Deputy Prime Minister, Central Committee Secretary); Rita Marko (Deputy Chairman of Presidium); Pali Miska; Prokup Murra (Minister of Defence); Manush Myftiu (Deputy Prime Minister); Simon Stefani

Politburo members, Lenka Çuko, is a woman. Beneath the Politburo is the Central Committee which now has 115 members.¹⁴ While many have retired, some members of the old guard remain or have been placed in the Central Committee.¹⁵ At the same time, First Secretary Alia added some moderates to the Politburo, and made other non-traditional appointments.¹⁶ This suggests that First Secretary Alia is carefully balancing political forces in his Government.¹⁷ Nexhmije Hoxha, First Secretary Hoxha's widow and President of the Democratic Front,¹⁸ has been kept at the Central Committee level, even though she had been expected to get a seat on the Politburo. The Central Committee is partially elected and partially nominated. The elected members are elected by the Party Congress which convenes every five years.

Nominally, the supreme arm of the Government is the People's Assembly, which is a single-chamber legislature

(Minister for Internal Affairs). [Note: Members holding concurrent posts are listed in parentheses.] *Id.* at 30.

¹⁴ U.S. Department of State, Bureau of Public Affairs, *Background Notes: Albania*, at 4 (Nov. 1986).

¹⁵ For example, hard-liner Pirro Kondi was given a place left empty by a moderate who was moved up to the Politburo.

¹⁶ For example, Foto Çami is a moderate and Prokop Murra became Defense Minister despite his non-military economics background. Artisien, *supra* note 11, at 18.

¹⁷ *Id.* at 20.

¹⁸ The Democratic Front is a parallel organization to the Party of Labor. It is meant to be a grass-roots organization linking the Party elite to the people. Membership is considered an obligatory patriotic act for all adults. The Democratic Front is responsible for organizing elections and maintaining internal security.

comprising 250 members. One-third of those are women.¹⁹ Assembly elections are held every four years; the only candidates are those offered by the Democratic Front. The People's Assembly ratifies decisions from the Presidium of the Assembly led by the head of state, First Secretary Ramiz Alia. The People's Assembly elects the Council of Ministers, whose chairman is the head of the Government, Adil Carçani. Real power lies with the Politburo, as the source of power for the Party of Labor and the Council of Ministers, the highest echelon of Government.

The four-year drought and resulting problems in agricultural production are the foremost political issues currently facing the Albanian Government. Emigrés interviewed by the Minnesota Lawyers Committee have reported food shortages throughout Albania.²⁰ Considering the rapid population growth and that half the Albanian population depends on agriculture for their livelihood, the Government may be concerned about potential civil unrest.²¹ Certainly, the leadership is talking more of reform. For example, Foto Çami recently said that First Secretary Enver Hoxha's policies should only serve as a "compass and methodological base." He admitted that Albania is facing "problems and difficulties."²² The fact that Çami could make such statements may mean that the reformists have gained the upper-hand.²³ During the spring of 1988, the Ministry of Energy and the Ministry of Industry and Mines were reorganized: some of the directorates were united into

¹⁹ *Country Profile*, *supra* note 12, at 29.

²⁰ Testimony of C.

²¹ Outside observers believe that increased food imports are a response to this threat. The Economist Intelligence Unit, *Romania, Bulgaria, Albania: Country Report*, at 9 (No. 2, 1989) [hereinafter cited as *Country Report*].

²² *Id.* at 30.

²³ *Id.* at 8.

single administrative units to aid coordination. Also, incentive schemes have been introduced in key mining industries, and agricultural cooperatives have received a certain amount of autonomy.

E. Economic Situation

Albania is the poorest and one of the least developed countries in Europe. In 1939, over ninety percent of the population derived its living from agriculture -- the highest proportion of any European country. Currently, that figure remains high at 55% and is comparable to developing economies in Africa, Asia, and South America.²⁴ The country is very mountainous: arable land per capita is the lowest of any agricultural country in Europe.²⁵ Coupled with an underdeveloped agricultural sector, the lack of arable land keeps per capita income extremely low. Annual per capita income in Albania in 1987 was 830 US dollars--the lowest in Europe.²⁶ This situation pressures the Government to increase trade with the outside world and expand its exploitation of the country's considerable mineral resources.

Albania has been expanding its trade relations with other countries. At the same time, Albania now maintains diplomatic relations with some 110 countries. Other governments seek Albania's minerals. Albania is one of the largest chromium producers in the world (the largest is South Africa). In 1984, chromite (chromium ore) represented more than 17% of Albania's total exports. It produced 250,000 metric tons in that year. Albanian chrome production suffers from poor quality because of obsolete

²⁴ *Country Profile*, *supra* note 12, at 35-36. Another estimate is fifty percent. U.S. Department of State, *supra* note 14, at 4-5.

²⁵ U.S. Department of State, *supra* note 14, at 5.

²⁶ Interview with Helena Smith, Associated Press, Athens, Greece (Mar. 1989).

equipment; Albania is therefore losing ground to South Africa in market share. Nevertheless, Western countries have an interest in Albanian chrome because of international political considerations regarding trade in South African chrome. Chrome is vital to steel production, the aerospace industries, and power generation. Albania also has large deposits of copper, nickel, oil, and coal. Albania is an important source of electricity for the whole of the Balkan region and has signed electricity export agreements with Austria, Bulgaria, Greece, Romania, and Yugoslavia.

During the Sixth Five-Year Plan (1976-1980), Albanian exports increased 33%. Exports rose 29% during the Seventh Five-Year Plan (1981-1985), and imports rose 23%. Trade with certain countries increased dramatically in 1988. Albanian exports to the Federal Republic of Germany rose eighty percent in the first 11 months of 1988 and imports increased 23%; exports to Italy rose 38% in the first half of the year and imports rose 91%.²⁷ Despite hostility over Serbian treatment of ethnic Albanians in the southern district of Kosovo, Yugoslavia remains Albania's leading partner in trade -- accounting for about 12.5% of Albania's total trade in 1984.²⁸ Other important partners are France and CEMA countries such as Czechoslovakia, Poland, and Romania. The United States trades with Albania through intermediaries; U.S.-Albanian trade amounted to 12 million US dollars in 1984.²⁹

Foreign trade has led to some openings in Albania's isolation. A ferry service was established between Durrës and Trieste, Italy in 1984. After a series of meetings and visits with members of the Greek Government during the

²⁷ The increase in trade with West Germany occurred, however, against a backdrop of very low trade figures the years before. *Country Report*, *supra* note 21, at 32.

²⁸ U.S. Department of State, *supra* note 14, at 5.

²⁹ *Id.*

same year, Greek Minister of State for Foreign Affairs, Karolos Papoulias, assured the Albanian Government that the state of war that had existed since World War II had ended. The border is now open between the two countries; Albanian ethnic Greeks and Greek nationals are allowed to cross the border. The number of tourists traveling between Greece and Albania has steadily increased: in 1986 there were 535 Albanians traveling to Greece compared with 87 two years earlier.³⁰ In 1987, more than 6,000 Greeks traveled to Albania as compared with 1,265 in 1985.³¹ In 1985, the border between Greece and Albania was formally re-opened at Kakavia and a rail link with Yugoslavia was opened the following year. The Albanian Government has agreed to participate in Balkan Foreign Ministers' meetings since 1988. In 1989, Foreign Minister Reis Malile visited France. At that time, French foreign ministry representatives reportedly raised human rights issues with their Albanian counterparts.³²

In particular, Albania's internal economic situation is forcing the leadership to turn to the outside world for food imports. At an annual rate of 2.3%, Albania's birthrate is the highest for any European country.³³ Establishing and maintaining a high birthrate is Government policy; Albania hopes to achieve a population of four million (current population is somewhat over 3.1 million) by the year 2000.³⁴ This burgeoning population is an onerous drain on the economy. For example, it cuts into land available for agriculture. In

³⁰ Interview with Helena Smith, *supra* note 26.

³¹ Cowell, *A Hint of Change in the Albanian Air*, The N.Y. Times, 20 June 1988, at A3, col. 1.

³² *Country Report*, *supra* note 21, at 29.

³³ Jones, *At Long Last, Albania*, Washington Post, 30 Nov. 1986, at C5, col. 1.

³⁴ P. Lendvai, *An impenetrable fortress*, Christian Sci. Monitor, 3 Apr. 1985, at 18, col. 1.

the period 1980 to 1988, per capita arable land area declined by 18%.³⁵ While Albania has long tried to be self-sufficient in foodstuffs, First Secretary Ramiz Alia admitted in 1988 that the country would have to import food despite the lack of hard currency.³⁶

Importation of food was also necessitated by a severe drought that has continued unabated for the past four years. The winter of 1988-1989 was the driest in forty years. Food imports will cost 70 million US dollars in 1989, twice the cost for 1988.³⁷ Water flow in the spring of 1989 was 24% to 55% below normal.³⁸ Since eighty percent of the country's power derives from hydroelectric generation, the drought is having an impact on industry as well. The Government has imposed both electric and water rationing on the population. Since Albania further depends on hydroelectricity as an important export, hard currency earnings will probably decline. In 1989, Albania may not be able to export any hydroelectricity to Yugoslavia -- its main trading partner.³⁹

At the same time, Albania needs foreign technology. It is estimated that the Albanian Government only satisfied half of the 1981-1985 Five Year Plan projections.⁴⁰ This gap is in part due to outdated technology, although absenteeism and low worker morale are also cited as contributing

³⁵ *Country Report*, *supra* note 21, at 30.

³⁶ *Id.*

³⁷ E. Bourne, *Albania Upgrades Life on the Farm*, *Christian Sci. Monitor*, 2 Aug. 1989, at 6, col 2.

³⁸ *Country Report*, *supra* note 21, at 8.

³⁹ *Id.* at 9.

⁴⁰ P. Artisien, *supra* note 11, at 6, 10.

factors.⁴¹ In the past decade, only 1982 appears to have been a good year for the economy; since then, the drought has affected agricultural output.⁴² In the first quarter of 1989, oil production was 11,000 tons below plan, copper experienced a 1,000 ton shortfall, gas was eight percent down, and low chrome output is costing Albania "the equivalent to 200-250 trucks in hard currency exports."⁴³ Chrome sales are lagging because of poor quality. The chrome mines employ outmoded Chinese equipment, and the rock faces need repair because of prior emphasis on meeting short-term targets.

The economic crisis highlights the need for outside assistance, although self-sufficiency continues to be the reigning doctrine. In March 1989, Albania and the Federal Republic of Germany signed an agreement whereby West Germany pledged to provide 20 million German Marks (11 million US dollars) in technical and financial assistance. Since Albania's Constitution forbids foreign borrowing, the Albanian Government claims that this aid is not in the form of credits. A Yugoslav report, however, stated that the agreement calls for repayment in thirty years at two percent interest.⁴⁴ While trade is increasing, so are Albania's liabilities. In September 1988, they were reported at 187 million US dollars, up from 42 million a year and a half earlier.⁴⁵ The Albanian Government will be increasingly hard-pressed to match the rhetoric of self-sufficiency with reality.

⁴¹ *Id.*

⁴² *Country Profile*, *supra* note 12, at 34.

⁴³ *Country Report*, *supra* note 21, at 32.

⁴⁴ *Id.* at 33.

⁴⁵ *Id.* at 32.

F. Conclusions

In light of Albania's history, it is hardly surprising that the Government has followed fiercely independent policies. On the one hand, Albania suffered almost constant foreign interference since the Roman invasion of 167 B.C. On the other hand, Albania always remained isolated from foreign rule, thus instilling in its people a strong sense of independence and individualism.⁴⁶ A fractured tribal system of governance based on family ties remained the norm until this century. Hence, the Albanian Government has had to forge a nation in a short time. It has felt an urgent need to keep foreign interference out and bridge the gaps of religious differences and tribal rivalries within the country.

Now, at the same time Albania follows a staunchly independent international posture, economic reasons push the Albanian leadership to increase trade relations with other countries. What follows is a study of the consequences affecting human rights arising from this tension between ideology and pragmatic concerns.

⁴⁶ P. Prifti, *supra* note 2, at 7-8.

III. INTERNATIONAL LEGAL OBLIGATIONS

A. Introduction

Despite the Albanian Government's commitment to self-imposed isolation in foreign policy, Albania has participated in the international legal system by ratifying a number of multilateral treaties relating to human rights. Albania's multilateral treaty commitments include the Slavery Convention; the Convention on the Prevention and Punishment of the Crime of Genocide; the UNESCO Convention Against Discrimination in Education; and the Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others, as well as a number of International Labour Organisation conventions. Most importantly, as a member of the United Nations since 1955, Albania is bound by the human rights obligations enunciated in the United Nations Charter, which are authoritatively defined by the Universal Declaration of Human Rights.

While Albania has demonstrated its willingness to be bound by certain international legal norms concerning human rights, Albania has not ratified the most basic multilateral agreements relating to human rights. Albania is not a party to the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights. Although Albania is a party to the Geneva Conventions relating to the treatment of prisoners of war, Albania has not ratified the numerous international treaties relating to the treatment of persons detained under national law nor has it recognized a legal commitment to refrain from cruel, inhuman or degrading treatment or punishment. In addition, the Albanian Government has attempted to renounce unilaterally treaties concluded by Albania prior to World War II. Despite this challenge to the validity of Albania's pre-war legal obligations, Albania's earlier commitments, especially those relating to treatment of the Greek minority, may provide further guidance as to the extent and nature of Albania's legal obligations to respect human rights.

Albania is additionally bound by the basic principles of

human rights, which are now recognized as part of customary international law. The Universal Declaration of Human Rights has been so widely accepted and frequently invoked that many provisions of the Declaration have acquired the status of customary law, which not only binds members of the United Nations, but all nations. A State violates international law if, as a matter of state policy, it practices, encourages, or condones genocide, slavery or the slave trade, the murder or causing the disappearance of individuals, torture or other cruel, inhuman, or degrading treatment or punishment, prolonged arbitrary detention, systematic racial or religious discrimination, or a consistent pattern of gross violations of internationally recognized human rights.

B. Treaty Commitments of Albania Relating to Human Rights

While Albania has refrained from adopting basic human rights treaties, Albania has repeatedly affirmed a legal commitment to uphold certain human rights by membership in the United Nations and ratification of multilateral conventions. Multilateral treaties that are binding upon Albania recognize basic labor rights, including freedom of association and the right to organize and bargain collectively. These treaties also prohibit the use of forced labor and bar discrimination in education.

1. Human Rights Obligations of Albania Under the United Nations Charter

As a member of the United Nations, Albania has agreed to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."¹ U.N. members pledge to take "joint and separate action" for the achievement of these purposes.² The specific obligations

¹ U.N. Charter art. 55(c).

² *Id.* art. 56.

imposed by these provisions upon United Nations members have been expressly delineated in the Universal Declaration of Human Rights. The Declaration has been repeatedly recognized as a binding enunciation of the human rights obligations of all U.N. members.³

The International Court of Justice declared in its 1971 Advisory Opinion on Namibia (formerly South West Africa) that South Africa had an obligation under the Charter of the United Nations to observe and respect human rights:

Under the Charter of the United Nations, the former Mandatory (South Africa) had pledged itself to observe and respect, in a territory having an international status (that is, Namibia), human rights and fundamental freedoms for all without distinction as to race. To establish instead, and to enforce distinctions, exclusions, restrictions and limitations exclusively based on race, colour, descent or national or ethnic origin which constitute a denial of fundamental human rights is a flagrant violation of the purposes and principles of the Charter.⁴

The International Court of Justice in 1980 reiterated, in its Judgment relating to the U.S. Diplomatic Staff in Tehran, that the United Nations Charter establishes binding obligations on all U.N. member states:

Wrongfully to deprive human beings of their freedom

³ See Sohn, *The New International Law: Protection of the Rights of Individuals Rather than States*, 32 *Am. U. L. J.* 1, 17 (1982); Proclamation of Tehran, Final Act of the International Conference on Human Rights, 23 UN GAOR 3, 4, para. 2, UN Doc. A/CONF. 32/4 (1968).

⁴ *Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia*, 1971 *I.C.J.* 16, 57; see Schwelb, *The International Court of Justice and the Human Rights Clauses of the Charter*, 66 *Am. J. Int'l L.* 337 (1972).

and to subject them to physical constraint in conditions of hardship is itself manifestly incompatible with the principles of the Charter of the United Nations, as well as with the fundamental principles enunciated in the Universal Declaration of Human Rights.⁵

Through its reference to the U.N. Charter and the Universal Declaration of Human Rights, the International Court of Justice held that these instruments constitute an authoritative interpretation of the human rights obligations accepted by governments in becoming members of the United Nations. The U.N. General Assembly has also affirmed that U.N. members are bound to respect human rights in accordance with the Universal Declaration.⁶

2. Multilateral Treaty Obligations

Albania has also assented to a number of conventions promulgated under the auspices of the International Labour Organisation (ILO). The most significant of these legal obligations include ILO Convention 29 Concerning Forced or Compulsory Labour,⁷ Convention 87 Concerning Freedom of Association and Protection of the Right to Organise,⁸ Convention 11 Concerning the Rights of Association and Combination of Agricultural Workers,⁹ Convention 100 Concerning Equal Remuneration,¹⁰ and Convention 98

⁵ *United States Diplomatic and Consular Staff in Tehran*, 1980 I.C.J. 3, 42.

⁶ GA res. 2442 (XXII), 23 UN GAOR Supp. (No. 18) at 49-59, UN Doc. A/72/8 (1968).

⁷ 39 U.N.T.S. 55.

⁸ 68 U.N.T.S. 17.

⁹ 38 U.N.T.S. 153.

¹⁰ 165 U.N.T.S. 303.

Concerning the Application of the Principles of the Right to Organise and Bargain Collectively.¹¹ Albania has also agreed, through ratification of various ILO Conventions, to restrict the minimum age of workers in various industries, to protect women and children from difficult or dangerous work, and to impose minimum standards for medical examinations of workers.

ILO Convention No. 29 Concerning Forced or Compulsory Labour was ratified by Albania on 25 June 1957.¹² Under the Convention, Albania has undertaken to suppress the use of forced or compulsory labor. Convention 29 imposes strict rules concerning use of forced labor, which govern both the circumstances in which resort to use of forced labor is permissible and the conditions under which forced labor may be exacted. The Convention, however, excludes from the definition of forced labor "any work or services exacted from a person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations."¹³

Under the Convention, the maximum period for which any person may be taken for forced labor in any one-year period may not exceed sixty days.¹⁴ Forced labor must generally be compensated at rates no less than those prevailing for similar kinds of work, and normal working hours shall be the same as those prevailing in the case of voluntary labor, with any excess hours earning compensation at overtime rates.¹⁵ A weekly day of rest must be

¹¹ 96 U.N.T.S. 257.

¹² 272 U.N.T.S. 251 (1957).

¹³ ILO Convention No. 29, art. 2(2)(c).

¹⁴ *Id.* art.12.

¹⁵ *Id.* art.13(1).

granted.¹⁶ Use of forced or compulsory labor for underground work in mines is expressly prohibited.¹⁷

ILO Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organise was ratified by Albania on 3 June 1957.¹⁸ Under Convention 87, Albania has recognized the right of workers and employers "to join organisations of their own choosing without previous authorisation."¹⁹ Public authorities are obligated to refrain from "any interference which would restrict this right" and labor organizations may not be dissolved or suspended by administrative authority.²⁰ ILO Convention No. 98, also ratified by Albania on 3 June 1957, reaffirms the legal obligations of Albania concerning the right of labor to organize and guarantees the right to bargain collectively. Further legal protection for Albanian workers is provided in Convention No. 11, ratified by Albania on 3 June 1957, which specifically concerns the rights of association of agricultural workers.

Albania is also bound as a party to the UNESCO Convention Against Discrimination in Education.²¹ The Convention was ratified by Albania on 21 November 1963. Under the Convention, "discrimination" is broadly defined to include "any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or

¹⁶ *Id.* art.13(2).

¹⁷ *Id.* art. 21.

¹⁸ 272 U.N.T.S. 254 (1957).

¹⁹ ILO Convention No. 87, art. 2.

²⁰ *Id.* arts. 3(2) and 4.

²¹ 429 U.N.T.S. 93 (1962).

impairing equality of treatment in education."²² The Convention expressly includes discrimination that has the effect of:

1. depriving any person or group of persons of access to education of any type or at any level;
2. limiting any person or group of persons to education of an inferior standard;
3. except as specifically permitted under Article 2 of the Convention, establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
4. inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

Under Article 2 of the Convention, certain educational practices are deemed to be non-discriminatory, including the establishment of separate educational institutions for the two sexes if equivalent access to education is provided and each set of schools provides equivalent educational opportunities, and the establishment or maintenance of separate educational systems for religious or linguistic reasons so long as participation in such systems is optional and the education provided conforms to educational standards.

Albania, as a party to this Convention, is obligated by law "to abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education" and "to ensure . . . that there is no discrimination in the admission of pupils to educational institutions."²³ Parties to the Convention have indicated their assent in writing that "[e]ducation shall be directed to the full development of the human personality and to the strengthening of respect for human rights and

²² UNESCO Convention, art. 1.

²³ *Id.* arts. 3(a) and 3(b).

fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups."²⁴ The Convention also explicitly recognizes and supports the rights of national minorities to "carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language."²⁵ As a party to the Convention, Albania has pledged "to take all necessary measures to ensure the application" of these principles.²⁶

The educational rights of national minorities recognized by the Convention are limited, however, by a provision that requires the right to minority educational systems not be exercised "in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudice national sovereignty."²⁷ In addition, attendance at minority educational schools must be optional and the standard of education in minority schools must meet the general standard laid down by national authorities.²⁸

Disputes arising between parties to the Convention that are not settled by negotiation shall, at the request of the parties to the dispute, be referred to the International Court of Justice for decision.²⁹ Reference to the International Court under this provision apparently requires the assent of both parties. The need for assent would

²⁴ *Id.* art. 5(1)(a).

²⁵ *Id.* art. 5(1)(c).

²⁶ *Id.* art. 5(2).

²⁷ *Id.* art. 5(1)(c)(i).

²⁸ *Id.* art. 5(1)(ii) and (iii).

²⁹ *Id.* art. 8.

undoubtedly be espoused by Albania, which has repeatedly disavowed provisions of human rights conventions that make recourse to the International Court mandatory.³⁰ Reservations under the UNESCO Convention Against Discrimination in Education are explicitly prohibited.³¹

3. Albania's Legal Commitments Prior to 1945

The most significant of Albania's pre-war legal obligations involves recognition and protection of the rights of minorities in Albania. As a member of the League of Nations, Albania affirmed its commitment to the protection of minorities in Albania through ratification of a binding declaration.³² The provisions of the Declaration, by its terms, constituted obligations of international concern, which were placed under the guarantee of the League of Nations.³³ In addition, the stipulations imposed by the Declaration are considered "fundamental laws of Albania and no law, regulation or official action shall conflict or interfere [with the Declaration], nor shall any law, regulation or official action now or in the future prevail over [the provisions of the Declaration]."³⁴ Under the Declaration, Albania is obligated to safeguard the rights of minorities in virtually all respects.

Article 2 of the Declaration states that "[a]ll inhabitants of Albania will be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices

³⁰ See Albanian reservation to the Genocide Convention, Albanian reservation to the Convention on the Political Rights of Women.

³¹ UNESCO Convention, art. 9.

³² Declaration Concerning the Protection of Minorities in Albania (ratified 22 Mar. 1922) 9 L.T.S. 173 (1922).

³³ *Id.* art. 7.

³⁴ *Id.* art. 1.

are not inconsistent with the public order or public morals." Discrimination on the basis of race, language, or religion is strictly prohibited by Article 4 of the Declaration, which declares that:

All Albanian nationals shall be equal before the law, and shall enjoy the same civil and political rights without distinction as to race, language or religion.

An electoral system giving due consideration to the rights of racial, religious and linguistic minorities will be applied in Albania.

Differences of religion, creed or confession will not prejudice any Albanian national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments functions and honours, or the exercise of professions and industries.

No restriction will be imposed on the free use of any Albanian national of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

Notwithstanding any establishment of an official language, adequate facilities will be given to Albanian national of non-Albanian speech for the use of their language, either orally or in writing, before the Courts.

Free exercise of religion and establishment of religious institutions and schools is expressly protected by the Declaration.³⁵ Albanian nationals who belong to racial, religious or linguistic minorities shall enjoy, pursuant to the Declaration, treatment equivalent in law and fact to other Albanian nationals and shall have "an equal right to maintain, manage and control at their own expense or to establish in the future, charitable, religious and social institutions, schools and other educational establishments,

³⁵ *Id.* arts. 5 and 6.

with the right to use their own language and to exercise their religion freely therein."³⁶ Protection of the educational rights of minorities extends, under Article 6, to the provision of adequate facilities in which instruction will be given in languages other than Albanian in towns and districts in which a considerable portion of the resident Albanian nationals speaks a language other than Albanian. Districts in which large numbers of racial, religious or linguistic minorities reside are also assured an equitable share of public funds under State, municipal or other budgets for educational, religious or charitable purposes.³⁷

The Permanent Court of International Justice (P.C.I.J.) analyzed Albania's adherence to the Declaration Concerning the Protection of Minorities in the Minority Schools case.³⁸ The P.C.I.J. concluded that a revision to the Albanian Constitution, which abolished private schools and required free education in state elementary schools for all Albanian nationals, constituted discrimination in fact because of the proportionately severe impact of the constitutional provision upon minority groups.

Albania's commitment to protecting the rights of minorities was also affirmed in the Corfu Protocol and the Agreement of Kapishtica. These agreements, executed between Albania and Greece in 1914 and 1920 respectively, involved commitments by Albania to respect the rights of the Greek minority population in Albania.

The extensive legal obligations of Albania to protect minority rights have been called into question, however, by the actions of the post-World War II Albanian Government. The Anti-Fascist National-Liberation Congress held in Përmeti in 1944 resulted in a declaration by the Congress

³⁶ *Id.* art. 5.

³⁷ *Id.* art. 6.

³⁸ Minority Schools in Albania, 1935 P.C.I.J. (ser. A/B) No. 64, at 1.

that Albania would denounce all international agreements that violated the sovereignty of the Albanian Government or adversely affected the economic interests of Albania.

In response to this unilateral declaration of intent to renounce binding international legal obligations, the United States sought assurances from the newly established Albanian Government that all treaties and agreements in force between the United States and Albania on 7 April 1939 remained valid as a prerequisite to establishing diplomatic relations with Albania. The Albanian Government responded to the United States request on 13 August 1946 by indicating acceptance of the multilateral treaties to which both the United States and Albania were parties, but not affirming its recognition of bilateral agreements between the two countries. The United States eventually withdrew its informal mission from Albania. Given the scope of the Congress of Përmeti declaration and the Albanian Government's reluctance to affirm pre-war treaty obligations with the United States, Albanian recognition of the binding nature of the international commitments entered into before World War II is doubtful.

The ability of Albania to unilaterally renounce its legal obligations is, however, equally questionable. Absent a treaty provision allowing for denunciation or demonstration that the parties intended to permit denunciation, unilateral withdrawal from a treaty that imposes obligations of an ongoing nature is permissible only upon a showing of "fundamental change of circumstances."³⁹ The doctrine of fundamental change of circumstances, however, is extremely limited in scope. Under the Vienna Convention on the Law of Treaties, which largely codifies customary international law on this subject, the following conditions must be met for change of circumstances to be invoked as a basis for treaty withdrawal or termination:

³⁹ Vienna Convention on the Law of Treaties, arts. 54, 56, 62, U.N. Doc. A/CONF. 39/27; 63 Am. J. Int'l L. 875; 8 I.L.M. 679 (1969).

1. the change must have been of a fundamental character;
2. the change must not have been foreseeable;
3. the circumstances which have changed must have been an essential basis of the consent of the parties to be bound by the treaty;
4. the effect of the change must be to transform radically the extent of the obligations of the party invoking the change as a ground of termination; and
5. the obligations in question must still be unperformed under the treaty.

Replacement of one government with another has uniformly been considered insufficient to justify withdrawing from a treaty or invoking "fundamental change of circumstances" as a basis for treaty denunciation.⁴⁰ While some scholars have argued that social revolution requires that an incoming government assume power with a clean slate regarding international legal commitments, this contention has not been recognized by either the Vienna Convention or customary international law.⁴¹ Governmental modifications, however abrupt or significant, do not meet the fourth condition imposed under Article 62 of the Vienna Convention: the change in circumstances does not directly affect the treaty obligations themselves. Albania's pre-war commitments to recognize the rights of minorities, therefore, remain binding obligations of the current Albanian Government.

C. Obligations Under Customary International Law

Albania, as a member of the international legal community, is bound by customary international law. Many of the human rights norms in the United Nations Charter, the

⁴⁰ L. Henkin, R. Pugh, O. Schachter, H. Smit, *International Law*, at 505 (differentiating between state and governmental succession).

⁴¹ *Id.*

Universal Declaration, and other human rights instruments qualify as customary international law. There are two criteria for ascertaining whether a norm, such as the prohibition against torture, has attained the status of a rule of customary international law.⁴² First, the law must be generally recognized among nations.⁴³ Second, the norm must be accepted as giving rise to a legal obligation; in other words, it should be followed as a legal obligation (*opinio juris*).⁴⁴

Several fundamental prohibitions give rise to customary international law: (a) genocide; (b) slavery or slave trade; (c) the murder or causing the disappearance of individuals; (d) torture or other cruel, inhuman or degrading treatment or punishment; (e) prolonged arbitrary detention; (f) systematic racial discrimination; or (g) a consistent pattern of gross violations of internationally recognized human rights.⁴⁵ Albania, as a U.N. member and simply as a participating member in the international law community, is bound to respect these basic rights.

D. Conclusions

As a member of the United Nations, Albania has affirmed

⁴² See, e.g., Kopelmanas, *Custom as a Means of the Creation of International Law*, 18 *Brit. Y.B. Int'l L.* 127; 129 (1937); Waldock, *General Course in Public International Law: The "Common Law" of the International Community--International Custom*, 106 *Recueil des Cours* 39, 42 (1962).

⁴³ K. Wolfke, *Custom in Present International Law* 65 (1964); Akehurst, *Custom as a Source of International Law*, 47 *Brit. Y.B. Int'l L.* 1 (1974-75).

⁴⁴ See *North Shore Continental Shelf Cases*, 1969 *I.C.J.* 4, 29-30, 45-46; A. D'Amato, *The Concept of Custom in International Law* 66 (1971).

⁴⁵ 2 Restatement (Third) of the Foreign Relations Law of the United States § 702 (1987).

its legal commitment to respect human rights in accordance with the fundamental principles set forth in the Universal Declaration of Human Rights. Albania is a party to numerous multilateral treaties that impose binding obligations concerning human rights. Albania's pre-World War II treaty commitments that recognize the rights of minorities remain legal obligations of the current Albanian Government. Finally, as a member of the international community, Albania is bound by those human rights obligations that have attained the status of customary international law.

IV. PENAL CODE AND PROCEDURE

Everyone has the right to life, liberty and the security of person. Article 3

Everyone has the right to recognition everywhere as a person before the law. Article 6

All are equal before the law and are entitled without any discrimination to equal protection of the law. . . . Article 7

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 8

No one shall be subjected to arbitrary arrest, detention or exile. Article 9

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 10

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. Article 11

A. Introduction

Albania has an extensive and detailed Penal Code that

defines crimes and punishments¹ and a Penal Procedure Code that governs due process rights and legal procedure in criminal cases.² Many of the substantive crimes defined by the Penal Code are *prima facie* violations of international norms.³ Even those crimes with definitions that fall within international norms may be subject to arbitrary interpretations. Although the Penal Procedure Code on its face sets forth some minimal procedural safeguards, evidence suggests that many of the rights afforded in the Penal Procedure Code to accused criminals are not enforced by the authorities in the criminal justice system.

B. Types of Punishment

The Albanian Penal Code defines ten different types of punishment that courts may apply against persons who have committed crimes in Albania. The punishments prescribed for those persons who have committed the most serious crimes include 1) re-education through labor; 2) deprivation of liberty; and 3) death. The punishments prescribed for those who have committed less serious crimes include 1) public reprimand and 2) fine, although these persons may also be sentenced to re-education through labor or deprivation of liberty. The following additional punishments may be applied to convicted criminals at the discretion of the court: 1) deprivation of honorary titles and decorations; 2) prohibition on the exercise of a particular activity or profession; 3) deprivation of voting rights; 4) exile; and 5) internment. Definitions of these crimes are provided in the translations of the Penal Code, Appendix 4.

¹ Albanian Penal Code, 1982 (F. Fox trans. 1989). Excerpts of the Albanian Penal Code are printed in Appendix 3 of this report.

² Albanian Penal Procedure Code, 1982 (F. Fox trans. 1989). Excerpts of the Albanian Penal Procedure Code are printed in Appendix 4 of this report.

³ See, e.g., Albanian Penal Code arts. 55 and 47 (k).

C. Crimes

The Penal Code distinguishes between crimes (felonies) and penal violations (misdemeanors). Acts defined as crimes in Albania include crimes against the state, crimes against socialist property, crimes against the socialist economic system, crimes against the person and the family, crimes against the property of citizens, crimes during the exercise of duties, crimes against justice, crimes against the administrative order, and military crimes. There are 12 additional subcategories of penal violations.

Sabotage, which is defined in Article 53 of the Albanian Penal Code as "[a]ctivity or inactivity to weaken or undermine the operations of the state and the Albanian Party of Labor, the socialist economy, and the organization and administration of the state and society," is punishable by not less than ten years or by death. The vague wording of this definition opens the way to its application to an almost unlimited range of activities representing any type of opposition to the current Government.⁴

The crime of "Treason against the Fatherland" is described in the Penal Code as "the gravest crime that can be committed by a citizen of the People's Socialist Republic of Albania."⁵ Treason is defined as "any act committed to overthrow the state of the dictatorship of the proletariat, as well as any act directed against national independence, the defense force, and the external security of the People's Socialist Republic of Albania."⁶ Eleven sub-definitions of treason are listed in the Penal Code.⁷ The sub-definitions

⁴ See Amnesty International, *Albania: Political Imprisonment and the Law* (1984) at 7-9 [hereinafter cited as *Political Imprisonment*].

⁵ Albanian Penal Code art. 47.

⁶ *Id.*

⁷ See *id.* art. 47(a-k).

of treason most subject to arbitrary interpretation and abuse include: (f) creation of alternative economic and financial institutions; and (i) serving foreign states in activities inimical to the State. Article 47 (k) defines as treason escape from or refusal to return to the State. This provision is in direct violation of Article 13(2) of the Universal Declaration of Human Rights, which guarantees every individual the right to leave and return to his or her country of origin. The crime of treason carries a penalty of not less than ten years or death.

The most frequently criticized provision in the Albanian Penal Code is Article 55, which defines as a crime "fascist, anti-democratic, religious, war-mongering, and anti-socialist agitation and propaganda." Acts described in Article 55 are punishable by deprivation of liberty from three to ten years or, in wartime, for not less than ten years or by death. Article 55, on its face, violates Article 18 of the Universal Declaration of Human Rights, which provides for freedom of thought, conscience, and religion, and Article 19, which provides for the right to freedom of opinion and expression. Article 55 is discussed in further detail in Chapter VII of this report on the right to freedom of religion and in Chapter VIII on freedom of expression.

D. Due Process and Legal Procedure

Albania's Penal Procedure Code governs the procedures used in arresting, charging, and prosecuting a person accused of criminal behavior. Although the Penal Procedure Code provides that no person may be punished for a crime without a court decision,⁸ at least one emigré interviewed by the Minnesota Lawyers Committee stated that he had been sentenced to prison without a trial. The emigré was imprisoned and interrogated for six months for refusing to vote, after which he was sentenced to ten years in prison without a trial in a public gathering in the center

⁸ Albanian Penal Procedure Code art. 5.

of his village.⁹ Another emigré testified that her parents had attended the "trial" of her brother, at which no one was permitted to speak, and the sentence had already been passed.¹⁰ This practice is in direct violation of Article 11(1) of the Universal Declaration of Human Rights, which grants everyone charged with a penal offense the right to a public trial.

The Penal Procedure Code does not incorporate the concept of "innocent until proven guilty." Instead, the "accused" is defined as the person assumed to be responsible for committing a crime. The accused retains this status until the court issues an official judgment or until the court dismisses the case.¹¹ This provision also violates Article 11(1) of the Universal Declaration of Human Rights, which provides that persons charged with penal offenses have the right to be presumed innocent until proven guilty.

Although the Penal Procedure Code grants the right of defense to the accused, the "defender" may be a "legal counselor," the spouse of the accused, a blood relative, or a close relative by marriage.¹² Several emigrés who had been through the legal process stated flatly that there are no lawyers in Albania.¹³ Others stated that persons are not represented by lawyers in trials.¹⁴ One emigré opined that people on trial rarely have legal representation because they are not familiar with their legal rights, which include the

⁹ Testimony of J.

¹⁰ Testimony of S.

¹¹ Albanian Penal Procedure Code art. 5.

¹² *Id.* arts. 9 and 10.

¹³ Testimonies of F, Y, and CC.

¹⁴ Testimonies of H and D.

right to have an attorney.¹⁵ Albanian law does, however, allow for people on trial to defend themselves.

The Penal Procedure Code provides for a thorough pre-trial investigation before sending a case to trial. According to the Code, statements are taken from witnesses, who are then allowed to expand or correct their statement before it is submitted into evidence.¹⁶ If there are contradictory statements between the accused and the witnesses, the court or examining magistrate may order a confrontation, which must be recorded in a statement.¹⁷ One emigré who had been through a criminal proceeding in Albania stated, however, that the witnesses in his case were forced to testify against him falsely.¹⁸ Another emigré stated that one of the two witnesses in his case was the daughter of the chief of police and that no other witnesses dared to oppose her testimony. He stated that he was not permitted to question the witnesses and that, although he was permitted to state his objections to certain aspects of the case, his objections were dismissed by the prosecutor who said, "Sit down and be quiet. We know better than you."¹⁹

Furthermore, despite a specific provision in Albania's Penal Code prohibiting the use of violence by persons conducting investigations in obtaining statements,²⁰ there is evidence that torture is commonly applied to extract confessions during the pre-trial detention period. One emigré, for example, testified to being bound by his hands and legs for one and a half months, and beaten with a belt, fists, or

¹⁵ Testimony of H.

¹⁶ Albanian Penal Procedure Code arts. 80 and 81.

¹⁷ *Id.* art. 84.

¹⁸ Testimony of D.

¹⁹ Testimony of R.

²⁰ Albanian Penal Code art. 115.

boots for periods of two to three hours every two or three days.²¹ Another was detained in a cell one meter by eight meters large in the local police station and kept in solitary confinement for a five-day period punctuated by two beating sessions until he signed a confession. After signing the confession, he was taken to the *Sigurimi* headquarters, where he was again tortured and questioned, despite his prior confession, until his three-day trial.²² Still another witness was confined for more than a year in a three-meter-square cell underground. During this time, he was interrogated at irregular intervals and subjected to various forms of physical and psychological torture. He was chained to a chair, beaten, and subjected to electrical shocks. He was shown a bullet that was supposedly meant for him and told that car engines starting within his earshot were driving victims to their executions, the next of which would be his.²³ Another witness had his cheekbone broken by policemen kicking him in an attempt to extract a confession.²⁴

According to the Penal Procedure Code, the first-level trial court is composed of a three-judge panel. One judge presides at the trial, and two assistant judges participate in the decision of the case.²⁵ The Minnesota Lawyers Committee received very little testimony about the actual conduct of trials and appeals in criminal cases. This lack of testimony is due, in part, to the fact that very few of the emigrés interviewed by the Minnesota Lawyers Committee were subject to these criminal procedures. The area of due process and criminal procedure is a subject of

²¹ Testimony of R.

²² Testimony of X.

²³ See testimony of D.

²⁴ Testimony of P. *See also* testimony of H and B; *Political Imprisonment*, *supra* note 4, at 19-22.

²⁵ Albanian Penal Procedure Code art. 109.

continuing investigation into Albania by the Minnesota Lawyers Committee.

E. Conclusions

The Albanian Penal Code defines a wide array of crimes against the state. The crime of treason is broadly defined and allows for arbitrary interpretation of actions that threaten the Government. At least two articles in the Penal Code directly contravene international standards set forth in the Universal Declaration of Human Rights.

The procedural rights set forth in the Penal Procedure Code are not followed by the authorities. Defendants are rarely afforded legal defense and are not allowed the right to confront their witnesses; some persons are sentenced without having had the right to a trial. Even the minimal procedural safeguards contained in the Penal Procedure Code are not followed in practice.

V. DETENTION, TORTURE, AND THE DEATH PENALTY

Everyone has the right to life, liberty and security of person. Article 3

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 5

No one shall be subjected to arbitrary arrest, detention or exile. Article 9

Albania maintains an extensive system of prisons and labor camps in which individuals are held on account of their political beliefs. Beatings and other forms of physical and psychological torture are common tools of local police, prison guards, and the *Sigurimi* (secret police).¹

A. Prisons and Labor Camps

The Albanian prison system includes six institutions for political prisoners, nine prisons reserved for inmates who have committed non-political crimes, and 14 labor camps where political prisoners and ordinary criminals are frequently interned together. In 1985, one author estimated a total prison population of 32,000.² In 1989, another commentator conservatively estimated that the number of political prisoners runs into four digits.³ Little is known, however, about most of these prisons. Of those Albanians interviewed by the Minnesota Lawyers Committee who spent time in detention, most were held in Spaç, a labor camp in

¹ For another study see Amnesty International, *Albania: Political Imprisonment and the Law* (1984) [hereinafter cited as *Political Imprisonment*].

² Stavrou, *Inside Albania's Brutal System of Political Prisons*, Minneapolis Star and Tribune, 4 Feb. 1985, at 11A, col. 1.

³ A. Pipa, *Glasnost in Albania?*, Telos 181, 186 (No. 79, Spring 1989).

North Central Albania. A few others were detained in Ballsh, Elbasan, and Bater prisons.

1. Spaç

Spaç labor camp is situated in the Mirditë region of northern Albania, inland from Shkodër. Prisoners at Spaç work in the mining of pyrite, which is used in the production of copper.⁴ The camp is built on a series of terraces up a mountainside. A few years ago, the camp was extended to open a new mine shaft on the west face of the mountain.⁵ Estimates of the number of prisoners at Spaç range from a more realistic 1,500⁶ to over 4,000.⁷ One Albanian refugee reported that there are two divisions of Spaç: one section holds 600 political prisoners, the other houses 1,000 repeat offenders of both political and ordinary crimes.⁸ Only men are interned at Spaç.⁹

Living conditions at Spaç are crowded. K, who was in Spaç during 1986, reported that 16 prisoners slept on straw mattresses in a three- by seven-meter room. Another former prisoner, who may have been in one of the other five barracks at Spaç, reported that the men were triple-

⁴ **Political Imprisonment**, *supra* note 1, at 36.

⁵ Interview with Konstantinos Gigas, Committee for the Struggle of Northern Epirus, Athens, Greece (May 1989).

⁶ Testimonies of K and X; **Political Imprisonment**, *supra* note 1, at 36.

⁷ Testimony of D.

⁸ Testimony of K.

⁹ Testimony of D.

bunked with 100 prisoners in each room.¹⁰ K added that water was hauled from a river, and that there were no sanitary facilities. Prisoners suffered frequently from diarrhea.

Spaç prisoners are given tea in the morning and at night. For lunch they are served soup with rice and beans or macaroni and sometimes some boiled green onions. The soup is supposed to have meat in it, but according to X, it usually only "smelled of meat." In addition, the men receive a glass of watered-down powdered milk and some bread. Those prisoners not working in the mines because of illness or solitary confinement receive smaller portions.¹¹

X was imprisoned at Spaç in the early 1970's, having been convicted of planning to leave Albania. According to X, prisoners worked for eight hours in the mines with eight hours' rest. Another emigré, whose brother was in Spaç for 12 years, reported that if a prisoner did not meet his quota within his eight-hour shift, he would be handcuffed and left without food.¹² D, a former Spaç inmate arrested in 1977, stated that the shifts would occasionally be back-to-back with only four hours' sleep in between.

Safety precautions in the mines are minimal. D reported that there was no ventilation in the mine shafts, and that workers were not allowed to wait after a blasting for the "poison" to clear. There are frequent accidents in the mines as well. While D was at Spaç, at least one prisoner was killed by falling rock. B stated that prisoners would purposely break their arms or legs so they could no longer work in the mines.

¹⁰ Testimony of A; Amnesty International reports that 300 to 400 prisoners are housed in each barrack, which are divided between 12 to 15 rooms. **Political Imprisonment**, *supra* note 1, at 37.

¹¹ Testimonies of D, M, and X.

¹² Testimony of A.

Families are allowed to visit prisoners at Spaç, but the trip is prohibitively expensive for many.¹³ Even if family members do travel to Spaç, their visit is likely to be very short. A, whose brother was interned at the camp, was able to visit several times. On each visit, A was reportedly allowed to spend only three minutes with his brother after spending several hours traveling to Spaç. Families are allowed to bring up to ten kilos of food to the prisoners. According to A, many families bring a great deal of food at Christmas and Easter. On occasion, the guards will let the families give more than the ten-kilo limit.

X described solitary confinement at Spaç, which, he reported, usually lasts for one month. Four solitary cells are arranged along a single corridor. The cells have wooden floors and are suspended over a mountain stream. Each cell's floor has an opening three-fingers wide for air. The cells are extremely cold during the winter because of the flowing water underneath. During the winter, prisoners are provided with blankets at 11:00 P.M. which are then removed at 4:00 A.M. It is clear that the authorities take advantage of the harsh climate at Spaç by using it as a form of ill-treatment. During the summer, for instance, X stated that they stopped using the cells for solitary confinement and would instead crowd ten people into a cell (allegedly to overheat it). An iron-barred door stands at the end of the corridor across from which is a bathroom. The prisoners are only permitted to use the bathroom once a day.¹⁴

In May 1973, prisoners at Spaç staged a revolt and successfully took control of the camp. While the cause of the uprising was most likely harsh conditions, several events have been suggested as catalysts. One explanation is that

¹³ Amnesty International states that political prisoners are allowed one or two monthly visits. **Political Imprisonment**, *supra* note 1, at 40.

¹⁴ Testimony of X.

prisoners were angered when the authorities placed eight inmates in isolation after the eight had complained of being too weak to work in the mines.¹⁵ Another account holds that prisoners were angered when they heard fellow inmates being beaten.¹⁶ Yet another version suggests that the revolt began when guards beat a prisoner who had escaped from solitary confinement. Eventually, the prison authorities regained control of the camp and apparently promised immunity to any participant in the revolt. Several inmates, however, were reportedly executed for their roles in the revolt, and others were placed in isolation or had their sentences extended.¹⁷ Another revolt may have occurred in 1978.¹⁸

Most prisoners in Spaç are serving sentences of eight years or more.¹⁹ One emigré reported that if a prisoner dies at Spaç, his family is not informed of his death until the end of the prisoner's sentence.²⁰

2. Bater

The Minnesota Lawyers Committee interviewed two Albanians, J and R, who were interned at Bater, a labor camp for political prisoners and ordinary criminals. According to J, who was imprisoned for two years in the late 1980's, Bater holds 1,300 men who live "like cattle." One hundred people sleep on bunk beds in each room, and there are thousands of lice. While J was at Bater, the

¹⁵ Stavrou, *supra* note 2.

¹⁶ **Political Imprisonment**, *supra* note 1, at 42.

¹⁷ Stavrou, *supra* note 2; *see also id.* at 42-43 for a detailed testimony.

¹⁸ **Political Imprisonment**, *supra* note 1, at 43.

¹⁹ *Id.* at 26.

²⁰ Testimony of B.

midday meal usually consisted of onion soup and a little bread. During the summer, some tomatoes or paprika might be added. Often, only three kilos of meat were added to the soup for all 1,300 prisoners.

R was detained at Bater for five years during the late 1970's. He recalled that the prisoners worked eight hours each day in the chrome mine, a two-hour walk from camp. Each prisoner was provided with a straw mattress, two blankets, and approximately eighty centimeters of floor space. Prisoners at Bater were allowed to receive visitors but, as at Spaç, the cost of traveling to the camp was often prohibitive. R reported that, while he was at Bater, prisoners received powdered milk and bread for breakfast, soup with either macaroni or rice for lunch, and tea with fifty grams of marmalade for dinner. They also received 800 grams of hard black bread each day. R further said that prisoners' skin flaked and bled from lack of vitamins.

According to J, prisoners now work in the mine for ten hours each day and are allowed one hour for a supervised reading session. Camp officials choose one prisoner to read aloud from propagandistic magazines for the reading sessions. They are also allowed one hour for washing; however, there are so many prisoners in line that it is "quite impossible" to get to the water. J said that the mine galleries were unsafe and that prisoners' mining lamps provide the only illumination. The prisoners are given helmets, but these are inadequate protection if ever the galleries were to collapse. According to J, there was an accident every day in which someone was injured or killed. Once during R's internment, a mine gallery collapsed, and several men were killed. Prisoners work in pairs, and each pair must fill fifty wagons of chrome each day. If they are unable to meet this quota, they are taken to a special cell where eight men reportedly come in and beat them.

3. Other Prisons

P was sent to Ballsh labor camp in 1979. By the time he arrived at Ballsh, prisoners had completed construction of a large oil refinery in the area. Ballsh then became a camp

for older and less productive detainees. Prisoners still capable were sent to work on adjacent farmland²¹ with lower work quotas than at Spaç and Bater.²² Many of the political prisoners, like P, did not work at all.

P was also detained for a short time at Elbasan, a prison for young people aged 14 to 20. When P arrived at Elbasan, there were approximately 1,500 teenagers doing mostly agricultural work. Tasks included building terraces and planting apple, olive, and pear trees. P testified that those prisoners who did not meet their work quota would be placed next to an anthill with their hands tied behind their backs. According to P, the guards would proceed to bludgeon the prisoner with wooden clubs; the blood would entice the ants to bite, further tormenting the prisoner. After the beating, the prisoner would be placed in solitary confinement, in cells that were partly underground, for one month.

Burrel has been described as a notorious prison for political detainees. One former inmate described the prison as "two rows of cells, a stinking cesspool in the middle. In the two wings, long corridors like those in trains."²³ The prison was built in the 1930's, during King Zog's reign. The cells in Burrel were 2.50 meters long, 1.80 meters wide and 2.70 meters high.²⁴

B. Torture and Ill-treatment

The Albanian Penal Code prohibits the use of psychological

²¹ Political Imprisonment, *supra* note 1, at 43.

²² Interview with Gjon Sinishta, Editor of the *Albanian Catholic Bulletin*, San Francisco, Cal. (July 1988); Political Imprisonment, *supra* note 1, at 43.

²³ A. Pipa, *Burrel Prison*, in *Book of Prison* (1959).

²⁴ Arshi Pipa, who was imprisoned in Burrel for one year in the 1950's, provided the Minnesota Lawyers Committee with this information.

or physical force during investigations and provides punishment for those who use such force.²⁵ The testimonies of those Albanians who have been detained by the authorities indicate that these provisions of the Penal Code are ignored. Moreover, torture appears to be a routine part of the justice system; the accused is often beaten prior to trial in order to exact a confession.²⁶

Y was detained for six months in 1968 for anti-state activity and was also held at *Sigurimi* headquarters in Tiranë. He was kept hungry in a cold cell and repeatedly beaten. There was no water provided other than that used for cooking the detainees' food. Detainees were allowed out of their cells to use the bathroom once each day. At all other times, they were forced to sit or lie with their legs up so they would not defecate in their cells. At night the guards would pound on Y's door to wake him up and then would beat him with chains and wooden slats with nails. Y felt that the purpose of the thrashings was not to kill him, but to force him to confess to being a spy. Y said that these beatings occurred once or twice a day with a respite of several days between beatings.

X was arrested in the early 1970's for planning to flee Albania. He was first kept for seven months in a one- by eight-meter cell in the Korçë police station. For five days X was held in solitary confinement and was punched in the face during two beating sessions. Finally, he was taken to *Sigurimi* headquarters in Tiranë where he was put in special "German handcuffs," which were so tight that movement of his hands caused him to faint.

P was caught attempting to flee Albania in the early 1970's. He was detained in Sarandë where police tried to extract a confession from him. P was kicked in the face and suffered a broken cheekbone. Minnesota Lawyers Committee

²⁵ Albanian Penal Code art. 115; Code of Penal Procedure art. 7.

²⁶ Testimonies of D, J, P, R, T, X, and Y.

interviewers noted that P still bore a scar on his left cheek.

In Tiranë during the mid-1970's, the *Sigurimi* detained R under criminal charges and held R for four months before his trial. He was beaten with belts and was punched and kicked repeatedly. R also had his hands and legs shackled for six weeks. The beatings occurred every two or three days and lasted two to three hours. R was beaten on all parts of his body, except his head, because, R believes, the *Sigurimi* wanted to keep him alive to work in the mines.

In 1977, D was held for one year in an extremely damp three-meter-square cell. D explained that he would pin himself against the wall to keep himself off the wet floor. During questioning he was beaten repeatedly while his chest, legs, and arms were tied to a chair. Twice in two months he received electric-shock torture. D was also tortured psychologically: the police told him that every time he heard a car start up outside his cell, it signaled the execution of another detainee. An interrogator also showed D a bullet that, the interrogator said, would be used to kill him.

In testimony before the United States Congress, Spyros Lekas recounted his arrest and detention on charges of opposing the Albanian Party of Labor:

After a while, they tied up my hands and took me . . . into a room where there were three policemen. One was seated to write down my answers. Another came up to me and said, "Speak, enemy. What have you said against the Albanians and against Hoxha since 1967?" "I haven't said anything against them. I worked to raise my children." "No," they said, and the policeman . . . hit me on the face with the side of his hand and kicked me on the legs. The other one . . . grabbed me by the throat and asked, "Why did you say that the corn bread isn't good and [that] you should have bread made of wheat?" I tried to say, "I didn't say anything like that," but he socked me hard under the chin. I spit blood from my tongue. My teeth ached. They asked other questions and kept on beating me. . . .

After one particular question, one hit me three times on the chest with the side of his hand. I fell down. They threw a glass of water into my face. They stood me up and put me to stand on one leg with the foot of the other leg held up to my knee . . . until midnight. . . . I didn't admit anything for three days. The policeman from Glina grabbed me by the shirt and shook me, hitting my back and head on the wall; and even now while I am talking my head aches.²⁷

T was arrested in the mid-1980's for operating his own business and also for listening to Italian and Yugoslav music on his radio. Two policemen kept him in a cell, repeatedly punching and kicking him; one of the officers used a truncheon on him. T remembered a lot of blood in his cell that he believed remained from previous beatings of prisoners. After three days, he was released on parole and threatened with one year's imprisonment if he were caught listening to foreign radio again.

In 1986, W was traveling between two villages in southern Albania to attend his niece's wedding. (It is not clear whether or not he had a travel permit.) At 6:00 P.M., W was detained by police who beat him over the head with a rubber hose and paraded him through town. They released him at 4:00 P.M. the next day, after having taken him to a pharmacy to get bandaged. W still has a scar from the incident.

After refusing to vote for a local Party candidate, J and his brothers were detained in 1986 and repeatedly beaten about the head, face, and stomach with iron knuckles. J was repeatedly thrown against the cell wall. Each beating would last for about two hours. J was beaten so severely that he

²⁷ *Human Rights in Albania: Hearing Before the Subcomm. on Human Rights and International Organizations of the House Comm. on Foreign Affairs, 98th Cong., 2d. Sess. (25 Jan. 1984) (statement by Spyros Lekas) [hereinafter cited as Statement by Spyros Lekas].*

could not move his head for six months. He asked the officers if he could see a nurse; they refused, giving him some medication to apply himself. J was held for six months and then publicly condemned to ten years' imprisonment.

C. Death Penalty

Several crimes defined by the Albanian Penal Code provide for non-mandatory death sentences.²⁸ According to B, the Government brings in busloads of people to watch public executions. B witnessed an execution in Tiranë in 1986 at which two men accused of impersonating police officers and

²⁸ For example, Treason Against the Fatherland (Art. 47); Espionage (Art. 48); Provocation to War or to the Severing of Diplomatic Relations with the People's Socialist Republic of Albania (Art. 49); Terrorist Acts (Art. 50); Organizing Armed Gangs or Participating in Them (Art. 51); Subversive Activity, defined as "the destruction or damage of socialist property by means of explosives, fire, or in any other manner, poisoning or spreading epidemic diseases in order to weaken or undermine the people's government" (Art. 52); Sabotage (Art. 53); Genocide (Art. 54); Agitation and Propaganda Against the State (Art. 55); Creation of a Counter-revolutionary Organization or Participation in It (Art. 57); Subversive Activity Before the Liberation (Art. 58); Protecting or Hiding Criminals (Art. 59); Counterfeiting of Currency (Art. 76); Dissemination of False Information that Incites Panic (Art. 124). Article 60 further stipulates that "crimes against the state, provided for by penal legislation of the People's Socialist Republic of Albania, even when they are directed against other socialist states, the revolutionary movement of the working class, the struggle of peoples for freedom and independence, and social progress and socialism, are punished as crimes committed against the People's Socialist Republic of Albania." Article 23 states, however, that the death sentence is not applied against pregnant women or persons under the age of 18. *Albanian Penal Code*, *supra* note 25.

robbing a cooperative farm were hung.²⁹ Another emigré, M, witnessed an execution in Shkodër in August 1987 where one man was hung from a tree. M believed that the man was hung for anti-state activity.

The Minnesota Lawyers Committee has also received reports of the public displaying of bodies of those caught attempting to escape Albania. On 7 January 1983, Spyros Kokkolis from Frastani was allegedly killed for trying to escape. His body was reportedly tied to a tractor and dragged through the streets of his village.³⁰ M reported that he had seen two bodies in the back of a truck in 1987 and said that the two had also been caught trying to escape the country. These accounts coincide with reports that border guards are informally instructed to shoot anyone attempting escape.³¹

D. Conclusions

While contravening international legal norms, the Albanian Government takes advantage of its use of political detention and torture. Detentions effectively supply Albania's vital mining industry with an inexpensive labor pool. Although prevalent, torture is usually limited so as to avoid killing prisoners who constitute a valuable source of labor. By detaining persons who would otherwise criticize the current Government, the authorities attempt to contain dissent. There is little concrete evidence that torture is abating. Former First Secretary Enver Hoxha did institute four known amnesties (in 1957, 1959, 1962, and 1982) during

²⁹ This event was independently corroborated by another emigré's testimony. Interview with Gjon Sinishta, *supra* note 22. Sinishta cited this other testimony.

³⁰ Statement by Spyros Lekas, *supra* note 27.

³¹ See *infra* chapter "Freedom of Movement and Emigration" p. 71.

which thousands of prisoners were released.³² First Secretary Ramiz Alia also instituted two amnesties in 1986 and 1987. As with the amnesties instituted under Hoxha, however, these later amnesties benefitted mostly those charged with non-political crimes.³³ On 20 November 1989, the Albanian Government proclaimed an amnesty for certain political prisoners. Three categories of prisoners were affected: men and women over sixty years old; women sentenced to less than fifteen years; and prisoners under eighteen years of age with less than one year to serve on their sentences.³⁴ Although the exact number of Albanians who fall within the purview of these categories is not known, only a minority of inmates are believed to be affected.³⁵ A recent guest of the Albanian Government confirmed that the November amnesty served mainly to release older, less productive inmates.³⁶

One observer stated that there do not seem to have been any political detentions under First Secretary Alia, and that the number of political detainees is probably declining.³⁷ Whatever their numbers or the cause of their incarcerations, it is clear that those incarcerated in Albania suffer from terrible conditions.

³² Political Imprisonment, *supra* note 1, at 29-30.

³³ Interview with Gjon Sinishta, *supra* note 22.

³⁴ Telephone interview with Harry Boolij, Amnesty International, London (15 Dec. 1989).

³⁵ *Id.*

³⁶ Telephone interview with the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Archdiocese in the United States (4 Dec. 1989).

³⁷ A. Pipa, *supra* note 3. Interview with Professor Arshi Pipa, Washington D.C. (Aug. 1989).

VI. FREEDOM OF MOVEMENT AND EMIGRATION

No one shall be subjected to arbitrary arrest, detention or exile. Article 9

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country. Article 13

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. Article 14

Although the Universal Declaration upholds the rights to freedom of movement and asylum, the Albanian Government maintains strict control over the movements of its population. All travel and relocation within the country require prior written Government authorization. Heavily guarded borders deter most departures and make it nearly impossible to seek asylum in a bordering country. Further, serious criminal penalties await those who are apprehended while attempting to leave Albania illicitly.

The Albanian Government also sends individuals into internal exile, often without trial. Even when individuals successfully escape the country, relatives left behind often risk forced relocation.

A. Restrictions on Freedom of Movement and Residence

1. Restrictions on Travel Within Albania

The Albanian Constitution does not guarantee freedom of movement, and travel within Albania is strictly controlled. Private ownership of cars is forbidden;¹ the few cars seen in Albania are driven by state functionaries. Several emigrés described obstacles encountered when visiting

¹ Jones, *At Long Last, Albania*, Washington Post, 30 Nov. 1986, at C5, col. 1; Howe, *A Glimpse into Albania*, The N. Y. Times, 10 Dec. 1989, at XX8, col. 1.

neighboring villages. W, from a village near Korçë, described an incident in 1986 when he attempted to leave his village to attend a niece's wedding. The police apprehended him for having attempted the trip. They beat W with a rubber hose, paraded him through the town, and detained him for approximately 24 hours. W stated that travel between cities or anywhere in southern Albania is especially problematic. Emigré C added that traveling between towns actually requires a permit. C said that one must obtain prior approval from each town along the proposed route and give reasons for making the trip. C concluded that this encumbrance means that Albanians rarely travel except to visit relatives.

Another emigré, GG, stated that his family had to obtain a permit from the police to visit their country cabin located within walking distance of their village. They always had to specify the exact time of the visit to receive the permit. The permits were apparently not difficult to obtain and could be procured on the day of the desired visit. GG also stated that there is a curfew after dark, and that one must have both a permit and an escort carrying a light to travel during night. According to GG, if one violates either the permit requirement or the curfew, a fifty-Lek fine (approximately ten days' salary) is imposed for the first violation and another 500 Leks for the second. For the third violation, one risks imprisonment. GG's report of such severe travel restrictions was not corroborated by other emigrés; however, GG said his region, which is located in the far north near the Yugoslav border, is generally targeted for discrimination because of its history of anti-Communist sentiment.

It thus appears that some regions of Albania are subject to more severe travel restrictions than others. In addition to regions such as GG's, other border areas may not be visited without special permission from the Government.² AA, a

² F. Bonnet, *The Albanian Hell*, VSD 23-29 Aug. 1984 (No. 364) [a French weekly; the article describes the escape of two Albanians]; testimony of AA.

former Albanian soldier who had served on the border, described an incident where a laborer was found in the border zone without his permit. Although the laborer explained that he had left his permit in his jacket while he had been working, the guards refused to let him retrieve the jacket. The guards took the laborer to a border post for questioning. AA added, "I never saw him again."

2. Restrictions on Relocating within Albania

Albanians must receive official permission to move to new locations within Albania. Moves from cities to villages are apparently not discouraged, but the Government disapproves of villagers who leave the countryside for the cities.³ Families who do move to new villages, even with official permission, can be penalized. Emigré Z stated that in 1980 his family received permission to move to the village of a relative when a landslide damaged their farmland and threatened their house. Despite the permission, the entire family was refused employment in the new village. In addition, the police attempted on two occasions to force the family to return to their original village.

B. Internal Exile

Internal exile (known in Albania as "internim") is the most drastic restriction on internal movement within Albania. Albania's Penal Code provides that any person whom the authorities consider "dangerous to society" may be exiled (removed from their place of residence, Article 26) and/or interned (obliged to reside in a specific place, Article 27) for a period of one to five years. Amnesty International has reported a number of cases where families of political prisoners have been sent into internal exile.⁴ There are also frequent reports that internal exile is a common punishment for family members of people who have escaped

³ Testimony of Z.

⁴ Amnesty International, Amnesty International Report 1988, at 193-194 (1988) [hereinafter cited as 1988 AI Report].

Albania.⁵ In July 1985, the entire nine-member family of Spyros Zisis Stavrou was reportedly sentenced to internal exile because the authorities had concluded that a family member was planning to flee to Greece.⁶ Although the U.S. Department of State cited an unnamed source in the section of its report on Albania in claiming that "close relatives of recent escapees are no longer interned,"⁷ a number of recent emigrés reported to the Minnesota Lawyers Committee that their family members had been sentenced to internal exile because of their escapes.⁸ One emigré stated that internal exile was even imposed for visiting imprisoned relatives.⁹ Another emigré was sent into internal exile for one year after being the subject of an anonymous accusatory letter sent to the Party.¹⁰

Internal exile generally entails banishment to a remote village. One emigré, GG, said that his aunt and two uncles had reportedly been sent into internal exile as a result of his escape. GG reported that the Government formerly sent exiles to special camps, but now it merely sends them to remote villages. Other emigrés confirmed this report and added that, once they arrive, exiles may not leave the

⁵ Testimonies of H, W, EE, FF, and GG.

⁶ International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, "The State of Religious and Human Rights in Albania," A Report Submitted at the 39th Session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Geneva, at 2 (1987).

⁷ U.S. Department of State, *Country Reports on Human Rights Practices for 1986*, at 852 (1987).

⁸ Testimonies of FF (escaped in 1988); W (escaped in 1987); and, H (escaped in 1984, family still in exile).

⁹ Testimony of P.

¹⁰ Testimony of FF.

villages without special permission from a local security official.¹¹ W said, however, that his parents were sentenced to internal exile because of his escape in 1987. He had further heard that they had been sent to a "fenced-in area." Accordingly, some camps may still be operating. In any case, exiles have reportedly been sent to remote areas in Durrës district, Lezhë district, the Cape of Rodon,¹² isolated rural areas of northern Albania,¹³ and a region called Tepeleni in the area of Memalini.¹⁴ Leaving the restricted area without permission can lead to three years of imprisonment, according to EE.

Little is known about the conditions or treatment of persons in internal exile. GG testified that persons sent into internal exile may bring their possessions along with them. FF was sent into internal exile for one year somewhere in the mountains. He said that living conditions were harsh: he did not have a bed, so he slept on a wooden door propped on two chairs. The standard duration of internal exile is reportedly five years.¹⁵ According to GG, this term may be extended for any type of misbehavior. Both GG and H testified that after the period of internal exile is completed, one may request permission to return to one's original home, but such requests are usually rejected. GG, however, stated that exiled persons are usually permitted to return to the general region of their original villages, while H stated that most people remain in their places of exile.

¹¹ Testimonies of H and EE.

¹² 1988 AI Report, *supra* note 4, at 193-194.

¹³ Testimony of H.

¹⁴ Testimony of BB.

¹⁵ Testimonies of H and GG.

C. Restrictions on Freedom of Emigration

1. Barriers to Leaving Albania

Albania's Penal Code states that "[E]scape outside the state, as well as refusal to return to the Fatherland by a person who has been sent to serve or has been permitted temporarily to go outside the state" are grounds for treason, punishable by imprisonment of not less than ten years, or by death.¹⁶ Albania recognizes no right to political asylum. In December 1985, six members of the Popa family from Durrës, who had been sent into internal exile in 1968 for alleged political offenses of relatives, sought asylum at the Italian Embassy in Tiranë. The Albanian Government has refused to allow them to leave Albania, despite petitions from twenty members of the Italian Parliament. The family remains quarantined in a small house inside the Italian Embassy compound, which is now surrounded by lights and guards.¹⁷

Albanians are generally forbidden to leave their country. Travel abroad is limited to persons traveling in official delegations, a limited number of students studying abroad,¹⁸ and rare cases of travel abroad for family or health

¹⁶ Albanian Penal Code art. 47.

¹⁷ Amnesty International, *Amnesty International Report 1987*, at 281 (1987); Biberaj, Costa & Lico, *Albania: Experiments in Reform, Freedom at Issue* at 3-4 (Mar.-Apr. 1988); P. Artisien, "Albania: Recent Developments," Speech at the National Association for Soviet and East European Studies Annual Conference, Fitzwilliam College, Cambridge, at 23 (20-28 Mar. 1987); interview with Dr. Marco Invernizzi and Marco Respinti, *Allianza Cattolica*, Milan, Italy (Apr. 1989).

¹⁸ 1988 AI Report, *supra* note 4, at 193.

reasons.¹⁹ There are uncorroborated reports that some Albanians have recently been permitted to travel abroad as tourists.

Despite its reluctance to allow emigration, Albania has recently made some moves toward a slight opening of its borders. A border crossing at Kakavia, Greece was opened in 1985, and more regular ferry services with Italy have been established. Following an agreement with Greece, in which Greece renounced certain territorial claims on southern Albania, Albania now permits Greek visitors--particularly those with relatives in Albania.²⁰

Albania's borders remain heavily guarded and fortified in a manner befitting a country whose people are constantly reminded of external threats to their security. AA, an emigré who had served his military duty as a border guard near Greece in the mid-1980's, was able to provide a detailed account of the border arrangements. According to AA, Albanian men between the ages 18 and 19 are required to serve 24 months in the military; only those from rural areas are stationed at the borders. AA was stationed somewhere far away from his home village and region. He knew he was on the Greek border when he could see a Greek village, but he could not identify his exact location.

AA described the actual border fortifications as follows. An electrically-wired metal fence stands 600 meters to one kilometer from the actual border. Anyone touching the fence not only risks electrocution, but also sets off alarm bells and lights which alert guards stationed at approximately one-kilometer intervals along the fence. Two meters of soil on either side of the fence are cleared in order to check for footprints of escapees and infiltrators. The area between the fence and the actual border is seeded

¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices for 1987*, at 855 (1988); testimony of CC.

²⁰ Artisien, *supra* note 17, at 23.

with booby traps such as coils of wire, noise makers consisting of thin pieces of metal strips on top of two wooden slats with stones in a tin container which rattle if stepped on, and flares that are triggered by contact, thus illuminating would-be escapees during the night.

This general border arrangement, consisting of a fence surrounded by a booby-trapped area, was corroborated by the testimony of other emigrés. V described the Yugoslav border as it was in 1988 as a two-meter high metal fence wired to alarm bells, followed by a 500-meter strip of land containing booby traps of iron noise makers. GG, whose family escaped in 1985 over the mountains, described a waist-high fence surrounded by mines and set back about three hours' walk from the actual border. This fence had flares attached to it which were triggered upon contact. GG also testified that the area between the fence and the actual border was bedded with contact flares set three meters back from the mines. When an escapee set off a flare and ran forward in fear, that person would reportedly set off a mine and be killed.

In contrast to GG's testimony, a number of emigrés who had escaped through the mountains stated that the borders in mountainous regions are not marked by any extensive artificial barriers at all. R, S, and the Q family, all of whom escaped in 1988 and 1989 across the border to Yugoslavia, testified that they saw no wires or fences marking the border. However, the Q family did testify that they feared being spotted by border patrols. These simpler border arrangements are usually found in particularly mountainous regions. Hence, the heavy artificial fortifications described by AA and GG may be reserved for less rugged terrain.

AA, the border guard, stated that the area between the fence and the actual border is monitored by border patrols accompanied by guard dogs. The guard dogs were handled only by officers or especially trusted soldiers. GG also mentioned guard dogs, stating that his family had planned their escape for a time when they knew the dogs at their chosen crossing were at the veterinarian.

AA described in detail the training of the border patrols, including the procedures to be followed with respect to escape attempts. AA was sent to an isolated training camp for two months. The following four months, he spent in training at the border which consisted of basic arms training and political indoctrination. The official procedure for pursuing escapees was to shout "halt" twice. After the first "halt," the guard was supposed to shoot in the air; after the second, he was to shoot the escapee first in the legs -- only then could he shoot to kill. AA alleged, however, that his superiors "unofficially" encouraged the patrols to shoot to kill in any situation. GG testified that the border patrols fired after his family with machine guns when they were spotted trying to escape. AA charged that border guards are taught to beat escapees who reach the actual border or who resist arrest, but he also suggested that beatings occur at the arresting soldiers' discretion.

Albania's coast is also heavily guarded. Two emigrés, Isabella and Zamira Islami, managed to escape in 1984 by swimming to Corfu, Greece, from Sarandë, an Albanian coastal town. At that geographical point, the two countries are only separated by approximately nine kilometers of sea; nevertheless, the two sisters were in the water for 12 hours. In newspaper reports of their escape, the two sisters testified that the coastal waters were patrolled by naval forces and that the surface of the sea was periodically swept by searchlights throughout the night.²¹ Further evidence of Albania's strict monitoring of its coast came in 1984. On 18 June 1984, Jean-Marie Masselin, a French employee at a tourist resort in Corfu, was shot dead when he strayed too near the Albanian coast in a speedboat.²²

²¹ Bonnet, *supra* note 2.

²² P. Forestier, *Europe Scared Since the Drama of the 'Club Méditerranée'*, *Paris Match*, 12 Oct. 1984 (translated from the original French).

2. Punishment for Attempted Escapes from Albania

As stated earlier in this report, the Albanian Criminal Code provides that any attempt to flee the state will result in punishment of a minimum prison sentence of ten years, or death.²³ Amnesty International has reported that a person arrested while attempting to leave the country without permission was sentenced to 16 years' imprisonment in 1980, another was sentenced to 12 years in 1984, and another to 25 years in 1985.²⁴

Some of the Albanians we interviewed had been caught attempting to escape and were imprisoned. X was arrested in 1970 after discussing plans to escape with five people including an informant. X was kept in detention at the local police station for seven months. After a three-day trial, he was sentenced to three years' imprisonment, a sentence that he and other prisoners considered unusually light for the offense. The lenient sentence was attributed to the fact that two of his accomplices in the escape attempt were well connected to the Government.²⁵ Emigré P was arrested after making two escape attempts in 1972. He was reportedly beaten and kicked by the police. (Minnesota Lawyers Committee interviewers can verify that P still bears a scar on his cheek where his bone was allegedly broken.) P was then imprisoned at the juvenile labor camp at Elbasan.²⁶

3. Effect of Escapes on Family Members in Albania

As discussed above, internal exile is commonly imposed on family members of persons escaping, or even planning to

²³ See *supra* note 16 and accompanying text.

²⁴ 1988 AI Report, *supra* note 4, at 193.

²⁵ See *supra* chapter "Detention, Torture, and the Death Penalty" pp. 51-52, 56.

²⁶ See *id.* pp. 54-55.

escape, Albania.²⁷ Other emigrés have testified that family members of persons fleeing Albania are barred from obtaining higher education. W testified that he and his sister had not been permitted to continue their studies after the eighth grade -- despite both being excellent students-- because an uncle had escaped thirty years ago. W further stated that children related to escapees are closely monitored and may receive severe discipline even for slight infractions of school rules. A member of the Q family testified that he did not even attempt to apply to secondary school because he knew he would not be permitted to attend; his family had been branded as politically suspect, in part because of the escape of some distant relatives over 35 years beforehand. EE testified that his brothers in Albania could not obtain any higher education, because of his flight. V explained that he had been considered an especially gifted athlete as a child, and had been educated at a special sports school. Although he had received excellent grades at this school, he was not permitted to continue in sports after graduation because his aunt, uncle, and cousin had escaped to Yugoslavia.

Albanian emigrés have also testified that they had suffered in their jobs for being related to escapees. Members of the Q family stated that they had always been assigned the most difficult work on their collective, such as heavy ditch-digging for both men and women, partly as a result of their connection with escapees.

D. Conclusions

The Albanian Government clearly contravenes international standards affirming freedom of movement. Travel within the country is strictly monitored, and police harass individuals for traveling or relocating even when they have received official permission. Further, some Albanians are reportedly beaten and detained for traveling inside their country without official permission.

²⁷ See *supra* text accompanying notes 4-16.

Leaving Albania is prohibited, and heavily fortified border arrangements make escape difficult. Punishment for those who are caught attempting to escape is severe. Relatives of those who escape continue to be discriminated against in jobs or education or may be sent into internal exile to remote regions.

VII. FREEDOM OF RELIGION

Everyone has the right to freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 18

A. Introduction

In 1981, the United Nations General Assembly promulgated the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.¹ Although a General Assembly declaration is not legally binding for non-supporting states, such as Albania, the 1981 U.N. Declaration serves as an important statement of customary international law regarding respect for religion or belief. The 1981 U.N. Declaration adds detail to the more general Article 18 of the Universal Declaration of Human Rights. Article 4(2) of the 1981 U.N. Declaration requires that, "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any . . . discrimination" based on religion. Article 5(1) of the 1981 U.N. Declaration states that, "The parents . . . of the child have the right to organize the life within the family in accordance with their religion or belief. . . ."

The Socialist People's Republic of Albania adopted legislation in 1967 institutionalizing a campaign to destroy every manifestation of religion in Albania. What had been, since the present Government came to power in the wake of World War II, an uncoordinated program of coercion, intimidation, and sporadic violence aimed at clergy and their congregations, was transformed into a systematic campaign of repression, violence, and destruction sanctioned by law. Government decrees in subsequent years and an extensive security network further solidified the anti-religious nature of the self-proclaimed "first atheist state in the world."

¹ G. A. Resolution 36/55 (25 Nov. 1981).

Although the Albanian Government now claims that religion may be practiced as a private matter, the truth remains that it is the only country in the world that forbids religion in any form, including its teaching, practice, texts, and symbolism.

B. Background

Albania's anti-religion campaign must be examined in light of the role religion played before the current Government took power. Centuries of Ottoman rule left Albania with a predominantly Muslim population. A 1938 census provides some sense of Albania's religious composition prior to the present Government: 69% of the population was Muslim (54% Sunni and 15% Shiite -- primarily Bektashi), 21% was Orthodox Christian (including ethnic Greeks),² and about 10% was Roman Catholic.³ Indeed, Albania played an important role in the Islamic world, being the seat of the *Dede* (great-grandfather or head) of the Bektashi sect which numbers 7.5 million worldwide. There is also a very small Jewish minority in Albania. Figures vary: some estimate that there are about 2,000 or 2,500 Albanian Jews; others say the figure is as low as 200.⁴

² Following a movement to Albanize the Orthodox Church in Albania, the National Congress of Berat proclaimed the Church's independence from Constantinople in 1922. Autocephalous (independent of patriarchal authority) status was granted by Constantinople in 1937, i.e., the Albanian Orthodox Church was released from external control. Henceforth, Albania had an Albanian Orthodox Church, which included a Greek-speaking minority.

³ Tönnies, *Religious Persecution in Albania*, 10 Religion in Communist Lands 242, 243 (No. 3, 1982).

⁴ Kamm, *An Albanian Jew Flees, With Grim Tale to Tell*, The N.Y. Times, 30 Aug. 1986, A2, col. 3. The lower figure is based on a 1930 census prior to an influx of Yugoslav Jews seeking refuge during World War II. *Id.* Many of those did not settle and moved on to third

There is a wide consensus among independent observers and Government officials about the role of religion in Albania. One common observation is that the majority of Albanians tend not to be devoted to the organized religions.⁵ Turn-of-the-century travelers recorded that the remotest mountain tribes appeared to have resisted both Christianity and Islam and retained strong pagan traditions.⁶ Some theorize that those who did convert to Islam under the Ottomans often did so for economic reasons and to escape discrimination.⁷

The Albanian Government depicts organized religions as an alien and dividing influence in Albanian history. The divisive nature of religion is, according to this analysis, illustrated by the fact that, until Albanian independence in 1912, services were held in Arabic, Greek, or Latin depending on the religion. Moreover, the Ottomans tended to identify nationality with religion so that Muslims were perceived as Turks, Orthodox Christians as Greeks, and Catholics as "Latins."

The Government's own actions regarding religion have been based on these same perceptions. The Albanian Party of Labor felt a need to attack what it considered divisive in its effort to forge a unified nation. The faiths were also persistent evidence of prior foreign intervention. As one

countries. Telephone interview with Prof. Arshi Pipa, Washington D.C. (Aug. 1989).

⁵ P. Prifti, *Socialist Albania Since 1944: Domestic and Foreign Developments* 157 (1978), citing Skendi, *Skenderbeg and Albanian National Consciousness*, *Südostforschungen* 86 (1968).

⁶ See generally E. Durham, *High Albania* (1909, reprinted 1985).

⁷ Christians were taxed and excluded from Government positions. Skendi, *The Albanian National Awakening: 1878-1912*, at 8, 16 (1967).

official spokesman writes:

First, our people have not been closely tied to religion. In general, they have not been as pious as other peoples. Our people have not made of religion a world-encompassing theory and philosophy. . . . Second, the reactionary leaders of the clergy have always been on the side of occupiers and enemies of the people. . . . As a result, our people have viewed religion and the clergy as enemies of freedom and of their rights."⁸

The Albanian leadership found Islam to be less a threat than Catholicism, for instance, with its seat in the Vatican. In 1982, First Secretary Enver Hoxha stated, "[T]he hierarchy of the Muslim faith was weak, without the least experience to give us trouble. . . . The rites had been abandoned . . . [and] were practiced only because they 'existed.'"⁹ In fact, some practicing Muslims participated in the early years of the Hoxha Government. In 1945, three Bektashi leaders¹⁰ were elected to the People's Assembly (all three reportedly died a few years later under suspicious circumstances). Albania's Islamic ties were useful to both the Albanian and Soviet leadership in their dealings with the Arab world.¹¹ Hence, foreign policy concerns also led the

⁸ Sadikaj, *Revolutionary Movement Against Religion in the Sixties*, *Studime Historike* (No. 4, 1981), translated and reprinted in *IV Albanian Catholic Bulletin* 20, 21 (No. 1 & 2, 1983).

⁹ Enver Hoxha's remarks on the Fortieth Anniversary of the Conference of Peza (1982), translated and reprinted in *III Albanian Catholic Bulletin* 23, 24 (No. 1 & 2, 1982).

¹⁰ Their names were Baba Faja, Baba Fejzo, and Sheh Karbunara.

¹¹ Sinishta, *Grave Violation of Religious Rights in Albania*, 3 *Occasional Papers on Religion in Eastern Europe* 3, 7 (No. 3, Apr. 1983).

Government to be more lenient with Muslims. While Catholics were forced to restrict their foreign connections, the Bektashi Dede was encouraged to maintain contact with the faithful in other countries in the years immediately after the change in government.

C. Religion under the New Government

The Communist Party of Albania (now known as the Party of Labor of Albania, or P.L.A.) took power in November 1944. The country's new Constitution separated Church and State, and affirmed the fundamental right to freedom of belief.¹² Belying the Constitution, however, anti-religious activity commenced almost immediately after the new Government was formed. In August 1945, the Government passed an agrarian reform law that deprived religious institutions much of their property. A series of show-trials and executions were held, following which the Jesuit order was banned in 1946 and the Franciscans in 1947. In 1946, all foreign Catholic priests, nuns, and monks were expelled.

¹² All citizens are equal, no matter to which nationality, race, or religion they belong. Any action which gives privileges to or restricts the rights of individual citizens on account of their nationality, race, or religion, is contrary to the Constitution and will lead to the penalties laid down by law. Any provocation which is likely to sow hatred and strife between the nations, races, and religions, is contrary to the Constitution and will be punished in accordance with the law. Art. 15. All citizens are guaranteed freedom of opinion and belief. The Church is separated from the State. All religious communities are free in matters concerned with their faith as well as in its practice and outward expression. It is forbidden to misuse the Church and religion for political purposes. Similarly, political organizations with a religious basis are forbidden. The state can give religious communities material support. Albanian Const. of 1944 art. 18. From Tönnies, *supra* note 3, at 247.

Many priests were imprisoned, executed, or assassinated.¹³

During its first years, the Government did not feel the time was ripe for a complete abolition of religion. The official History of the P.L.A. states, "The Party could not insult the feelings of a mass of working people, especially in the countryside, who were closely linked with the Party and the people's power, but continued to believe in one or the other religion. . . . The eradication of the religious outlook would come as a result of convincing the masses ideologically."¹⁴ Rather, the Government concentrated its efforts on removing the underlying religious structures. For example, in February 1946, the Fifth Plenum of the Central Committee of the Party of Labor placed all private and church schools under the control of the State. The prestigious Jesuit and Franciscan schools in Shkodër were nationalized the following month. At about the same time, the Ministry of Education banned the teaching of religion in state schools. In April 1947, the Party of Labor recommended introducing anti-religious teaching in schools. The Government also attempted to halt religious instruction by clerics and lay people even within homes.

On 26 January 1949, the Government passed Decree No. 743, "On Religious Communities." The Decree stated that religious practice must not contravene "the laws of the State, law and order and good customs." It also stipulated that pastoral letters and parish announcements be reviewed by local party officials, that religious organizations must serve and be loyal to the State, and that the constitutional guarantee of freedom of religion was restricted to places of worship.¹⁵ Finally, Decree No. 743 ordered each of the four

¹³ By the end of 1946, a total of twenty Catholic priests had been executed and more than forty were imprisoned. G. Sinishta, *The Fulfilled Promise* 51 (1976).

¹⁴ The Institute of Marxist-Leninist Studies, *History of the Party of Labour of Albania* 436 (2d ed., 1982).

¹⁵ Tönnies, *supra* note 3, at 248.

major religious communities, Muslim, Bektashi, Albanian Orthodox, and Catholic, to prepare a draft statute within ninety days pledging the religion's loyalty to the Government. When none of the religious communities complied with the Government's demands, the Council of Ministers issued statutes on their behalf. Once the statutes were passed, criminal penalties, which had formerly protected the constitutional guarantee of freedom of religion, were removed from the Albanian Penal Code.¹⁶

Government attacks against religion intensified particularly after 1960. In that year, First Secretary Enver Hoxha wrote a seminal article in *Zëri i Popullit* (Voice of the People) entitled "On the Sources of Religious Beliefs and How They Should Be Combated." It was taken as a license for action against the religiously devout; henceforth, people with overt religious ties were frequently "re-educated" or isolated. In any case, they were excluded from the Party.¹⁷

In the spring of 1966, the Albanian Party of Labor initiated its Ideological and Cultural Revolution, in tandem with the Cultural Revolution of its new ally, the People's Republic of China. Local youth groups closed their village mosques beginning in May 1966, presaging what was to come. The atmosphere intensified following the Fifth Party Congress later that year. First Secretary Enver Hoxha distributed a public letter on 27 February 1967 entitled "On the Struggle Against Religion, and Religious Conceptions and Customs." He wrote, "We must direct our struggle against religion as much against religious dogmas and the idealistic and mystical viewpoints of religious philosophy, as against

¹⁶ *Id.*

¹⁷ Stavrou, *Albania: The Politics of Religious Persecution in Albania*, presented at the Religion in Communist Dominated Areas (RCDA) Conference "The Balkans and the Soviet Union: Religious Freedom, Human Rights and International Relations" at Marymount College, Arlington, Va. (21-23 May 1986).

religious practices that have penetrated even the daily routine of believers, and indeed even that of non-believers, who sometimes implement them unwittingly, carelessly, often from force of habit."¹⁸ The next day, the Naim Frashëri school in Durrës "spontaneously" boarded up all the churches and mosques in that seaport.

The First Secretary's letter sparked a frenzied campaign against religion -- one which the Party of Labor characterized as a popular movement merely guided by the Party leadership. Mass meetings were held at which the public denounced the clergy and vowed never to practice religion again. People's tribunals decided which public celebrations were religious in nature and how to replace them with appropriate national atheistic holidays. During public proceedings, crowds turned over their crucifixes, icons, Bibles, and other religious items. Children whose fathers were priests denounced them as fakes, and "thunder sheets" (fletë-rrufe) were posted attacking those parents who had given religious names to their children.

Some clerics handed over religious property and artifacts "voluntarily" to the cooperatives. Others smuggled icons and Bibles to trusted parishioners and instructed them in rites that could be practiced at home. In April 1967, the forty Greek Orthodox priests who were still alive in Albania were taken to the city of Delvino (some were taken out of prison for this purpose). There, in a public denunciation, they were shaven¹⁹ and their vestments removed and spat upon. One priest, Reverend Theodore Zisis, resisted the shaving and was consequently imprisoned for ten years.

In April 1967, the Government adopted Decree No. 4236

¹⁸ Sadikaj, *supra* note 8, at 23 citing *APL, Main Documents*, Vol. V, Tiranë, at 240 (1974).

¹⁹ Since beards were associated with Orthodox priests, the wearing of beards was outlawed. Foreign visitors were also shaved at customs until 1983.

allowing the local executive committees and cooperatives to expropriate without compensation all fixed assets of churches and mosques and the contents of the religious treasuries. By September 1967, all religious buildings, including 2,169 churches, mosques, and monasteries, had been closed. Some were converted into stables, warehouses, cultural centers, or housing. Shkodër Cathedral was turned into a sports center with a basketball court in the old nave.²⁰ Other buildings were torn down. If people continued to venerate the remaining piles of stones, the sites were cleared. One Albanian writer describes the Party's thinking:

Although used for economic and cultural purposes, nearly all of [the houses of worship] preserved their former appearance. Apart from other things, this situation reminded believers of the church or the mosque, causing them to continue to regard them as holy places. Such a sight could not but have a negative psychological influence on the younger generation. . . . [I]nstructions were issued to undertake a series of corrective measures. Those religious edifices that interfered with the city or village layout and zoning requirements were to be destroyed and in their place new buildings were to be erected. Likewise religious edifices that were old or threatened to collapse and had no architectural value, were destroyed. As for those edifices that were used for different needs, such as cinemas, houses and hearths of culture, gymnasia, etc., slight renovation work was done on them to change their external appearance.²¹

All possible signs of religion were eradicated. Graveyards and tombstones were cleared of religious symbols; only the Communist star was permitted. Religious phrases were attacked too: the acronym for *Përpara Krishtit*, *P.K.*,

²⁰ See appendix 5-4.

²¹ Sadikaj, *supra* note 8, at 23-24.

(before Christ, or B.C.) was replaced by "p.e.r" meaning *para erës së re* (before the new era).²²

The 1946 Constitution protecting religious freedom was still in force during this period of Government-authorized anti-religious activity. Despite stated constitutional guarantees, the People's Assembly passed Decree No. 4337 on 13 November 1967 (published in *Gazeta zyrtare* on 22 November) which cancelled the legal status of religion. The Decree annulled Decree No. 743 "On Religious Communities" and the religious community statutes of 1950 to 1951.²³ Radio Tiranë announced that Albania was now the "first atheist state of the world." Religious freedom was removed from the statutes; it would shortly be removed from the Constitution as well.

Amid this tumult, religious observance continued. To the dismay of Party officials, milk consumption fell during Lent in 1967, while sugar demand increased during that year's Muslim festival of Bajram, marking the end of fasting for Ramadan. Party officials complained that the public continued to use "salutations, greetings, condolences, oaths and threats that were linked with the name of the creator of the world. . . ." ²⁴ In 1968, it was reported that eight old women were seen by the authorities painting Easter eggs in Kosovica; that in Dervitsiani someone said "Christ is Risen" instead of "good morning;" and that candles were found lit at some graves.²⁵

²² One recent traveller to Albania, however, heard the old "P.K." used repeatedly. Interview with the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Archdiocese in the United States, Boston, Mass. (June 1989).

²³ See *supra* pp. 80-81.

²⁴ Sadikaj, *supra* note 8, at 29.

²⁵ Stavrou, *supra* note 17.

By this time, the Government had extirpated all forms of organized religion in Albania. In the first decade of the new Government, 28 Islamic leaders were killed.²⁶ Between 1946 and 1960, a total of 26 Greek Orthodox clergy were executed. As described above, the surviving Greek Orthodox clergy had been denounced and stripped. In addition, between 1945 and 1975, the Government executed or tortured 6 Catholic bishops, 4 Monsignors, 56 parish priests, 30 Franciscans, 13 Jesuit priests, 10 seminarians, and 8 nuns.²⁷ In 1971, it was believed that only 14 Catholic priests were still alive; 12 were in prison and 2 were in hiding. Shortly afterward, one of the two priests was believed to have been discovered and arrested.²⁸

D. Current Legal Status of Religion

The new Constitution of 1976 and the new Penal Code of 1977 codified the Albanian Government's campaign against religion, which began in 1946 and intensified in 1967. With the following articles, Albania became the only country in the world to outlaw religion and to mandate the propagation of atheism in its Constitution:

The State recognizes no religion whatever and supports atheist propaganda for the purpose of inculcating the scientific materialist world outlook in people. (Art. 37)

The parents are responsible for the upbringing and communist education of the children. (Art. 49)

The creation of any type of organization of a fascist,

²⁶ For a complete list of names see **Puebla Institute, Albania: Religion in a Fortress State** 45 (1989).

²⁷ For a complete list of names see **G. Sinishta, The Fulfilled Promise** 68-72 (1976); *but cf.* **Amnesty International, Amnesty International Report 1984**, at 272 (1984) for variation in numbers.

²⁸ Tönnies, *supra* note 3, at 252.

anti-democratic, religious, and anti-socialist character is prohibited. Fascist, anti-democratic, religious, war-mongering, and anti-socialist activities and propaganda, as well as the incitement of national and racial hatred are prohibited. (Art. 55)²⁹

These constitutional restrictions on the freedom of thought, conscience, and religion are supported by the provisions of Article 55 in the 1977 Penal Code:

Fascist, anti-democratic, religious, war-mongering, and anti-socialist agitation and propaganda, as well as the preparation, dissemination, or possession for dissemination of literature with such content, in order to weaken or undermine the State of the dictatorship of the proletariat are punishable by deprivation of liberty for a period of from three to ten years. If these acts have been committed in wartime or have caused particularly grave consequences, they are punishable by deprivation of liberty for not less than ten years or by death.³⁰

The Government had already instituted another facet of its anti-religion campaign. On 23 September 1975, it passed administrative Decree No. 5339 (also the similar Legislative Decree No. 5354 published on 11 November 1975 in the *Gazeta zyrtare*), which stipulated: "Citizens who have inappropriate names and offensive surnames from a political, ideological, and moral standpoint are obliged to change them." The Decree provided that citizens should comply voluntarily to avoid the risk of having the authorities impose an appropriate name upon them.³¹ Local civil affairs offices were provided with lists of suitable "national" names for new-born infants. In 1982, the authorities published a source book entitled *The Dictionary of People's*

²⁹ Albanian Const. arts. 37, 49, 55.

³⁰ Albanian Penal Code art. 55.

³¹ P. Prifti, *supra* note 5, at 164.

Names containing over 3,000 "national" names. An Albanian writer describes the Government's thinking behind this action:

Everyone chooses names for one's children according to one's wishes, names that are beautiful and have a musical sound, etc. But since we have such beautiful national names, we would not be justified to use foreign names, which express nostalgia for religion and a fascination with things foreign. . . . Therefore, it is legitimate to insist on the use of national names, so that . . . the names of people do not become an indicator of the religious affiliations and divisions of yesteryear in the eyes of future generations.³²

The legislation has had an effect, but primarily as a supplement to the on-going anti-religion campaign. A survey done in Himarë, for example, shows that the greatest decrease in the use of religious names occurred before the new Decree. Religious names comprised eighty percent of all personal names in Himarë during 1945 and 1950. They decreased to forty percent during 1970 and 1975 -- the period just prior to the Decree; following that, religious names only decreased to thirty percent of all personal names by 1984. Of course, Government officials decry the continuing persistence of religious names.³³

There is some doubt whether adults had to change their names. Some believe that the campaign was only for newborns.³⁴ A Catholic, DD, whom the Minnesota Lawyers

³² Hako, *Toward the Creation of a Totally Atheistic Society*, XXXIII *Rruga e Partise* 61-73 (Mar. 1986), translated and reprinted in VII & VIII *Albanian Catholic Bulletin* 24 (1986) and 32 (1987).

³³ *Id.*

³⁴ Interview with the Imam Vehbi Ismail of the Albanian Islamic Center, Harper Woods, Mich. (June 1989). GG, an emigré who was named after a saint, reported that

Committee interviewed, agreed with this statement. He said, however, that it is a "badge of honor" to volunteer to change one's name in class at the request of the teacher. Another Catholic, CC, corroborated this testimony and added that she had been under very strong pressure to change her name to a non-religious version. She refused, but nothing happened to her. One commentator stated that negative publicity abroad caused the Albanian Government to halt retroactive enforcement of the name-change campaign.³⁵

Enforcement of the name-change program apparently varies. Well-placed Government employees can and do use their connections to get non-authorized names approved.³⁶ Individuals bearing Christian (especially Orthodox or Catholic) names seem most directly affected by the name-change program. Muslims, as members of the majority group, must disavow foreign names but not religious ones. Some outside analysts point to the name-change program as evidence that the anti-religion campaign was primarily nationalistic rather than ideological.³⁷ One commentator writes, "There is no convincing evidence to suggest that the same policies were applied in the case of the Muslim majority. Had that been the case, [First Secretary Enver] Hoxha [which means Islamic clergyman in Albanian] should have been the first one to change his own name, followed by four other Politburo members whose surnames are of religious origin."³⁸ This tolerance for Muslim names has

he was not pressured to change his name.

³⁵ *Human Rights in Albania: Hearing Before the Subcomm. on Human Rights and International Organizations of the House Comm. on Foreign Affairs, 98th Cong., 2d Sess. 18 (25 Jan. 1984) (statement of Nikolaos A. Stavrou, Ph.D., Prof. of Political Science, Howard University).*

³⁶ Testimony of CC.

³⁷ Stavrou, *supra* note 17.

³⁸ *Id.*

been borne out in Minnesota Lawyers Committee interviews with recent emigrés. A Muslim, U, who came over the border in the late 1980's, said that the name-change program did not have anything to do with religious names. Rather, foreign names like Elvira, Enrika, and Augustus were excluded.³⁹ Other Muslims interviewed had not been affected at all by the name changes.⁴⁰ In contrast, D, a Greek Orthodox, had to remove the prefix "Theo-" from his surname. Another ethnic Greek, U, found his first name changed to its "Turkish" (possibly Albanian) version when he attended elementary school. Only then did he realize the existence of this other "legal" name, which differed from the one his family used with him. While those who refuse to change their names risk public ridicule and discrimination, several emigrés, including A, told us that their families would select an official name for use in public and continue to call their children by religious names in their homes.

At about the same time as the personal name campaign, the Government adopted Decree No. 225 in September 1975, requiring the changing of geographic names with religious meanings. This law primarily affected names containing the prefix "Saint." The village of Shënkoll (St. Nicholas) was renamed Ylli i Kuq (The Red Star).⁴¹ In the southern ethnic Greek area, approximately ninety towns and places named after religious figures received new or changed

³⁹ One recent visitor commented, however, that he had encountered at least two Western-sounding names, Elton and Roberti, attributed to men in their mid-twenties. Telephone interview with the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Archdiocese in the United States (4 Dec. 1989).

⁴⁰ Testimonies of R, S, and the Q family.

⁴¹ Sadikaj, *supra* note 8, at 22. Current maps of Albania, however, list Shënkoll as the city's name. Telephone interview with the Very Reverend Arthur E. Liolin, *supra* note 39.

names.⁴² For example, Agios Nikolaos (St. Nicholas) was changed to Drita meaning "Light."⁴³

E. Current Religious Practice in Albania

Two primary observations regarding religion as it is now practiced in Albania emerge from the Minnesota Lawyers Committee's investigation. First, the Government's actions have been extremely effective in abolishing formal religious practice. Second, some practice remains tenaciously in place, particularly in private homes. Because of the severity of the campaign, however, religious practice in Albania is limited and fragmentary.

Attacks against any surviving clergy have continued since 1967. Father Shtjefen Kurti was originally imprisoned in 1967 for opposing the destruction of a church. He was tried in 1971 for baptizing a child at the request of its mother at the labor camp. He was executed in February 1972. (Radio Tiranë announced, however, that he had been executed in 1970 for espionage.) In 1977, the Catholic priest Fran Mark Gjoni was imprisoned for 12 years for possessing Bibles.

In 1974, the Government sentenced the three remaining Catholic bishops in Albania to detention camps for conducting religious services in private. Bishop Antonin Fishta died in detention camp. Another, Bishop Çoba, was caught holding an Easter service for Catholic prisoners in detention camp in 1979. Police attacked the group and the Bishop died the following morning from injuries. The other prisoners were deprived of food for 24 hours and warned against participating in any more religious "manifestations." The only surviving Catholic Bishop, Nikoll Troshani, is presumed either to be in Tepelena Labor Camp near Vlorë or released. There are recent reports that he may be living

⁴² Stavrou, *supra* note 35, at 19.

⁴³ Testimonies of K and O.

with relatives now in Lezhë.⁴⁴

The Jesuit priest, Father Ndoc Luli, was imprisoned in May 1980 for baptizing his nephew's newborn twins at the request of the nephew's wife. Both Father Luli and the wife were arrested and interrogated. The wife was sentenced to eight years hard labor, and Father Luli received a sentence of "life until death." Information has been received that Father Luli was released in 1989.⁴⁵ Another Jesuit, Father Pjetër Meshkalla, was arrested in 1985 during a secret Christmas celebration. Despite a total of 25 years' previous imprisonment (he was granted amnesty in 1983 for health reasons), Father Meshkalla was sent to Ballsh Labor Camp where he died on 28 July 1988.

The few reports that list clergy who remain incarcerated in prison or forced labor camps include Mark Hasi, Fathers Injac Gjoka, Rrok Gjuraj, Ndoc Sahatçia, Zef Nikolla, Ndrec Gega, Jesuit Gjergj Vata, Simon Jubani, and Simon's older brother, Lazer, Fran Illia, Federik Mazi, and two Franciscans.⁴⁶ There are unverified reports that some priests have been released, including possibly Fathers Mikel Koliqi, Simon Jubani,⁴⁷ and Gjergj Vata.⁴⁸ It has also been reported that Father Lazer Jubani died under suspicious circumstances in 1982.

⁴⁴ In particular, an Italian journalist heard this report while visiting Albania in September 1988. *Puebla Institute, supra* note 26, at 27.

⁴⁵ Gjon Sinishta, editor of the *Albanian Catholic Bulletin*, provided the Minnesota Lawyers Committee with this information.

⁴⁶ Gjon Sinishta, *supra* note 11, at 16; Mr. Sinishta provided the Minnesota Lawyers Committee with the additional names in August 1989.

⁴⁷ *Puebla Institute, supra* note 26, at 43.

⁴⁸ Sinishta, *supra* note 11.

Interviews reveal that there may still be clergy practicing in Albania. CC reported that she used intermediaries to request that a priest pray on her behalf. GG confirmed that individuals would secretly ask the local priest to say prayers for deceased relatives.⁴⁹ There are also former clergy living in Albania who felt compelled to stop practicing their vocation. One of the emigrés interviewed, P, reported that his father had been an Orthodox priest. He discontinued his ministry when the new Government came to power and no longer conducted secret rites for people in their village. The father changed professions to become a teacher, but lost his position when he refused to help destroy churches. P said that he grew up without icons or any religious artifacts in the house, since the parents were fearful of being betrayed. The parents did try to teach the children something about Christianity, but stopped praying together when their church was demolished.

It appears from interviews that those caught with religious artifacts receive severe punishment. Emigré I revealed that, in 1988, a man was caught in his town wearing a crucifix and was sentenced to five years in prison (the Minnesota Lawyers Committee, however, is unable to corroborate this testimony). Another emigré, L, gave us an uncorroborated report that he personally knew individuals who had been sentenced to ten years' imprisonment for possessing a Bible. Still, it is clear that individuals do continue to own religious artifacts. During an interview, Z showed members of the Minnesota Lawyers Committee a crucifix that he had sewn into his undergarments and carried out of Albania. His mother also had icons that she kept hidden. DD reported that his family has kept an old nativity scene and figures which, although quite battered, are still brought out every Christmas.

Another emigré, V, recounted a personal experience that occurred while he was attending school in 1983 or 1984. When his grandfather died, he inherited a small crucifix of

⁴⁹ GG named the priest; however, we omit to do so in this report out of concern for the priest's safety.

gold or silver which he wore around his neck concealed under his clothing. One day after sports, another student saw V wearing his cross in the shower. V was denounced and two policemen arrived who confiscated the cross and beat him with truncheons in front of an assembly of the whole school. The police stopped only after he was lying prostrate on the floor and not moving. V recalled bleeding badly about the nose and lips. After the police had left, friends gathered around to help him. V believed that he was not formally charged or arrested because the officers wanted the cross to melt down and keep for themselves. V's family no longer celebrated Christmas or Easter in front of him for fear that V, a child, might tell others. V later learned from his grandfather, however, that his parents were celebrating those holidays in private. In fact, many other emigrés charged that children are the main form of Government enforcement, and that parents are forced to practice their faith secretly and away from their children for fear of denunciation.⁵⁰

Emigrés report that Albanians may be losing full understanding of their faith even when they practice it at all. Emigré V told us that he had not known that wearing a crucifix and celebrating Christmas and Easter were part of the Christian faith. Only upon escaping Albania did he find out what religion his family had practiced. Similarly, one of the emigrés, BB, remembered his father closing the door and curtains in order to mumble certain words. Only when he was being interviewed by the Minnesota Lawyers Committee together with AA, a fellow emigré who recited a few words of a Muslim prayer, did he realize those were the words his father had murmured and that his father was Muslim. A recent visitor reported that while there were many mosques and churches being restored as cultural sites, the restorers complained that they lacked the necessary cultural and religious heritage. At one particular mosque, the craftsmen said that they could not duplicate the rich calligraphy that

⁵⁰ See *infra* chapter "Family Life and Privacy" pp. 132-134.

had been there earlier.⁵¹

Several emigrés told us of another way in which the Government enforces the anti-religion program. During fasts (the Christian Lent and the Muslim Ramadan) individuals come and offer food, such as dairy products, or cigarettes to try to expose believers. This type of coercion takes place at home,⁵² in school,⁵³ and at work.⁵⁴ Whenever officials employed this subterfuge, T and his family felt coerced not to fast. S, who worked at a factory in Tiranë, expressed to us that those who refused the food were publicly denounced.

Despite untoward conditions, there are signs that religious practice continues. A recent visitor to Albania recounted that his tour group noticed an old woman at an abandoned chapel in Durrës on Easter Sunday. She was lying face-down in front of the ruins.⁵⁵ And there are unsubstantiated reports that Muslims are still buried oriented towards Mecca. The Q family said that they fasted during Ramadan, but no longer celebrated the feast of Bajram since that would entail buying special foods -- a more visible activity. S intimated that his family observed both Muslim holidays. (Presumably it is less conspicuous purchasing extra supplies in the capital city where S lived.) When Samuel Matathia fled Albania, he provided some insight on life within the Albanian Jewish community. He said that the only communal practice consisted of secret gatherings at which traditional Sephardic sweets were shared

⁵¹ Interview with the Imam Vehbi Ismail, *supra* note 34.

⁵² Testimonies of T and the Q family.

⁵³ Testimony of D.

⁵⁴ Testimony of S.

⁵⁵ Lipsius, *Albania: Impressions of a Traveler*, V Albanian Catholic Bulletin 61, 62 (No. 1 & 2, 1984).

in memory of the dead.⁵⁶

People conduct certain religious rituals without the guidance of religious leaders. One emigré, GG, said that before the current Government came to power, the local Jesuits had taught the villagers how to baptize each other. He estimated that, at the time of his escape in 1985, 75% of the locals were taking water from the river to practice the ceremony at home -- obviously meant to be a clandestine act, but the whole village knew about it. The mother of the Q family was most upset that when a Muslim dies, a hoxha (Muslim clergyman) or his wife may no longer cleanse the body of the deceased. Since the deceased may not be interred without first being cleaned, families must hurriedly bathe the body late at night so that they are not detected. In one village, large groups reportedly still gather to pray at the site of a torn-down church. No priest is present so a village elder serves as a lay minister.⁵⁷

Even the Government acknowledges that the anti-religion campaign has not succeeded in totally eradicating religion. For example, it appears that men and women continue to marry primarily among members of the same religion. A 1980 survey conducted by a Government sociologist revealed fewer than four percent of Albanian marriages are between individuals of differing religious backgrounds. This was decried by an official writer:

[W]hen it comes to forming marriage ties, and uniting two people of different ex-religious backgrounds, it's not an easy matter even today. In certain cases a barricade is put up, and the most varied obstacles and "reasons" are fabricated by the parents, grandparents and close relatives. . . . [S]ocial opinion, the organizations of the Youth, the [Democratic] Front,

⁵⁶ Kamm, *supra* note 4.

⁵⁷ Testimony of GG who said that he had been to these gatherings three times. He estimated the crowds were as many as 300 people; *Id.*

etc., ought to rise up and react in an organized manner whenever backward mentalities and religious motives become obstacles to . . . love. . . .⁵⁸

During the 1980's, in the face of increasing international pressure regarding its anti-religion campaign, the Albanian Government began publicly to justify its religious policy on the basis that religious belief is still a matter of personal right and that religion was abolished only through the will of the populace. In a speech given 10 November 1982, First Secretary Enver Hoxha stated:

"As for religion, you need not worry about it. To believe or not to believe is a personal right, a question of conscience, and not an institutional question: religion cannot be imposed according to the desire or will of the Hoxhas, the Bishops, or the Pope of Rome. . . . [W]hy all this astonishment at Socialist Albania? Our state is atheistic by the will of its people. . . ."

While the statement of First Secretary Hoxha acknowledges the right to religious belief, the present Government is slightly more tolerant of actual religious practice. In a 9 May 1988 letter from the Permanent Representative of Albania to the United Nations, the position of the Alia Government is presented as follows:

There is genuine freedom of conscience in Albania. The question of religious belief in Albania is also regarded as a right, a private issue which is an individual matter of conscience. The Albanian people, of their own free will and without any outside coercion, decided for themselves what their attitude would be to religious institutions; for that reason, in Albania, no one can force people to believe in God or to perform religious rites. *That does not mean, however, that believers do not perform these rites.*

⁵⁸ Hako, *supra* note 32, at 32.

*Ultimately, this is a personal and family matter.*⁵⁹

Other observers have noted a change in the Government's attitudes concerning religious practice. Dr. Elez Biberaj, head of the Albanian Service of the Voice of America, says, "The anti-religious campaign continues, but it is significantly less intensive than during the Hoxha era."⁶⁰

The Government has demonstrated increased tolerance in more concrete ways. In 1986, two Americans, Dr. and Mrs. E. E. Jacques, were allowed to visit Albania. The Jacques had been missionaries in Albania during the 1930's. They had repeatedly been denied visas by the Government of First Secretary Hoxha. In 1988, three clergymen were permitted to visit Albania for brief periods: The Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Diocese in the United States; Imam Vehbi Ismail, Director of the Albanian Islamic Center in Harper Woods, Michigan; and Jesuit Father Ndoc Kelmendi. Reverend Liolin was able to travel around Albania in his clerical garb and led prayers on seven different occasions at cemeteries, without Government disruption. Reverend Liolin noted that Albanians brought liturgical bread to these prayers. Individuals must still have liturgical seals since the Reverend noticed that the loaves had the traditional cruciform pattern embossed on them. Reverend Liolin was also permitted to retain a personal copy of the Bible during his visit to Albania.⁶¹ Both Reverend Liolin and Imam Ismail noted extensive restoration of mosques and churches, albeit as cultural sites.⁶² Mother Theresa was allowed back to

⁵⁹ U.N. Doc. A/43/354, at 8 (emphasis added).

⁶⁰ Biberaj, Costa and Lico, *Albania: Experiments in Reform, Freedom at Issue* 8 (Mar.-Apr. 1988).

⁶¹ Interview with the Very Reverend Arthur E. Liolin, *supra* note 22.

⁶² *Id.*; interview with the Imam Vehbi Ismail, *supra* note 34.

Albania in August 1989; this visit was significant since Mother Theresa had previously been denied a visa to visit her homeland. Reverend Liolin traveled for a second time to Albania in November 1989 as an invitee of the Albanian Ministries of Culture and External Affairs. The invitation was to participate in the 45th anniversary celebration of the liberation of Albania from foreign occupation.

These visits are significant considering the history of the Albanian Government's forty-year anti-religion campaign. It is, however, extremely difficult to quantify any meaningful opening for religious practice among the Albanian people. While the Government's stated policy concerning religious practice may appear to be less rigid under the leadership of First Secretary Ramiz Alia, personal expression of religious belief can be conducted only in a severely restricted fashion and at great personal and social risks.

F. Conclusions

It seems clear that the Albanian Government's decades-long campaign against religion was based on both ideological and political concerns. After centuries of Ottoman and other foreign rule, the new leadership felt that the country was vulnerable to external influence and internal dissent. The Government used various means toward its goal of abolishing religion. Legislation and constitutional amendments expropriated religious property and criminalized religious faith. Imprisonment and executions wiped out the country's entire organized clergy. Religious buildings have either been torn down or converted into secular uses. Personal and geographic names have been systematically changed.

Despite these policies, religious devotion continues in Albania. Forms of religious practice, however, appear to have been reduced to fragments such as hastily mumbled prayers, secret gatherings, and hidden artifacts. The Minnesota Lawyers Committee has met individuals who, while they may maintain some practices themselves, do not even know what religion they are practicing.

The Albanian Government maintains that religious belief is a

personal right and that it was the Albanian people who voluntarily rid themselves of religion. Officials now even state that religious *practice* is a personal right as well. Historical evidence and numerous recent testimonies refute the Government's assertions. Indeed, the Government worked actively and publicly to expunge religion from all aspects of Albanian life, and now individuals express their religious beliefs only at great risk. Albania's Constitution and Penal Code retain their harsh condemnation of religious practice. The evidence overwhelmingly shows that the Albanian Government has violated and continues to violate international norms concerning the freedom of religion, as enunciated in Article 18 of the Universal Declaration of Human Rights and the 1981 U.N. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

VIII. FREEDOM OF EXPRESSION

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 19

A. Introduction

Following the death of First Secretary Enver Hoxha, outside observers hoped that his successor, Ramiz Alia, would bring change to the Albanian Government's sternly Stalinist policies. The Alia Government, however, continues to control expression and maintains tight control over the arts and media. As the sole financial sponsor of professional expressive activity, the Government monitors all artists, writers, and journalists. The risk of severe criminal penalties has effectively stymied internal dissent.

For forty years, the dominant school of artistic expression in Albania has been Socialist Realism, any deviation from which may be the basis for accusations of anti-State activity. This principle is even written into the Albanian Constitution: "The state supports the development of the literature and art of socialist realism, which uphold the ideals of socialism and communism and are permeated by the national and people's spirit."¹ The school of Socialist Realism avoids abstract or surreal art in favor of an optimistic depiction of everyday life. Early in 1989, Politburo member Foto Çami reiterated the Government's belief in Socialist Realism when he spoke before a gathering of writers and artists. Although considered a moderate in the Government, Çami warned his audience against any artistic or literary deviation:

You cannot match the party's demands for literature and art if party-mindedness is lacking or does not spring from true realism, which neither beautifies nor

¹ Albanian Const. art. 35.

paints a black picture. . . . A mood of dilettantism and a lack of culture have led to cerebral productions. . . . Much recently-published poetry does not address the reader and real problems and the rich world in which our people live are absent.²

B. Constitutional and Legal Provisions

The Constitution of Albania does affirm "freedom of speech, press, organization, association, assembly, and public manifestation."³ It also upholds "freedom of scientific work and literary and artistic creativeness."⁴ Finally, the Constitution states that citizens hold the right to "join various organizations which operate in the political, economic, cultural as well as any other field of the country's life."⁵

The Constitution, however, contains two broad provisions that allow the Albanian Government to restrict these rights:

The rights and duties of citizens are established on the basis of the reconciliation of the interests of the individual and those of socialist society, with priority given to the general interest. The rights of citizens are inseparable from the fulfillment of their duties and cannot be exercised in opposition to the socialist order. (Art. 39)

The creation of any type of organization of a fascist, anti-democratic, religious, or anti-socialist character is

² *Foto Çami Speaks on Tasks Facing Artists*, Foreign Broadcast Information Service, 1 Mar. 1989, at 2 (speech given at a meeting organized by the League of Albanian Writers and Artists in Tiranë, 17 Feb. 1989).

³ Albanian Const. art. 53.

⁴ *Id.* art. 51.

⁵ *Id.* art. 54

forbidden. Fascist, religious, warmongering, anti-socialist activity and propaganda are forbidden, as is the incitement to hatred between peoples and races. (Art. 55)⁶

These constitutional restrictions are enforced by the Albanian Penal Code:

Fascist, anti-democratic, religious, war-mongering, or anti-socialist agitation, and propaganda, as well as the preparation, dissemination or possession for dissemination of literature with such content, in order to weaken or undermine the state of the dictatorship of the Proletariat is punishable by deprivation of liberty for a period of from three to ten years. If these acts have been committed in wartime or have caused particularly grave consequences, they are punishable by deprivation of liberty for not less than ten years or by death.⁷

C. Albanian Policies Concerning Freedom of Expression

Almost immediately following the establishment of the People's Socialist Republic of Albania in 1946, the new Government attacked all political dissent. The Minnesota Lawyers Committee heard personal testimony about an execution in the 1940's of a man accused of criticizing the Government.⁸ An emigré, G, was imprisoned in 1964 for seven years for pro-Greek activities. When Albania split with the Soviet Union in 1961, pro-Soviet Albanians were reportedly imprisoned.⁹

In tandem with China's Great Proletarian Cultural

⁶ *Id.* arts. 39 and 55.

⁷ Albanian Penal Code art. 55.

⁸ Testimony of A.

⁹ Testimony of CC.

Revolution, Albania's First Secretary Enver Hoxha instituted a cultural revolution in early 1966. In that the Albanian cultural revolution was more concerned with economic progress and far less with developing a cult of the country's leadership, it differed noticeably from its Chinese counterpart.¹⁰ Nevertheless, the country's intelligentsia was similarly targeted for ideological retraining, and some were personally attacked by the leadership.¹¹ In January 1966, 91 writers and artists signed a published letter pledging that they would "voluntarily" go into the countryside to "be inspired" by the people. About forty of them actually went, and some spent as long as two or three years away from Tiranë.¹² The Government restricted the number of cultural exchanges with the outside world, and the number of translated works decreased.¹³

One of the emigrés interviewed by the Minnesota Lawyers Committee, Y, was arrested during the Albanian cultural revolution. Y was held in jail for six months for writing a pro-American letter and listening to Voice of America. He reported that the guards often awoke him at night and repeatedly beat him with chains and wooden slabs with nails. This would occur once or twice a day over a period of weeks and then he would be left alone for a period. Y said that no water was provided except for that used in cooking the food. He was allowed to use the toilet only once a day. Y was released only after he had confessed to being a foreign agent, which he was not.

¹⁰ P. Prifti, *Socialist Albania Since 1944: Domestic and Foreign Developments* 147-148 (1978).

¹¹ See, e.g., *id.* at 180. The author Dhimitër Xhuvani was attacked as "a captive of bourgeois and revisionist literary currents." He went through a process of self-criticism in response to the attacks. *Id.*

¹² *Id.* at 179.

¹³ *Id.* at 181.

Foreign cultural exchanges increased in the early 1970's when Fadil Paçrami, dramatist and then Minister of Culture and Arts, initiated what seemed to be a cultural opening in Albania. More conservative members of the leadership feared this and other signs of foreign influence among the Tiranë intellectual community. A new "Rectification Campaign" similar to the one in 1966 was instituted and 128 artists and writers fled to the countryside. Existentialism and liberalism were particularly decried.¹⁴ Paçrami was denounced at a plenum held by the League of Albanian Writers and Artists (LAWA) in 1973. He was attacked as an "enemy of the party and the people."¹⁵ Throughout the late 1970's, the Party leadership maintained strict control over artistic expression.¹⁶

D. Restrictions on the Arts and Media

The Party of Labor directs artistic and literary expression through the Ministry of Education and Culture and through LAWA. Since the Government is the sole financial sponsor of artists, it can ensure that artists carefully keep to official parameters. Media are controlled through the country's press agency, the Albanian Telegraphic Agency (ATA). There are two major dailies, *Bashkimi* (Unity), which the Democratic Front publishes, and *Zëri i Popullit* (Voice of the People), the Party of Labor organ. Neither has an independent editorial staff. The two newspapers have a combined circulation of 145,000.¹⁷

1. Artistic & Verbal Expression

Restrictions on artists begin with their training. To be admitted to the five-year program at the Academy of Art in

¹⁴ *Id.* at 186.

¹⁵ *Id.* at 189.

¹⁶ Testimony of FF.

¹⁷ UNESCO Yearbook Table 7.17 (1988).

Tiranë, the applicant must first pass a highly selective exam. A Party of Labor representative instructs professors and provides directives to the director of the Academy. The artistic training focuses on the Socialist Realist school and includes regular classes on Marxism and political economy. The Albanian Government acts as sole commissioner of artistic works and furthermore determines a price scale for all art. (For example, a portrait commands a higher price than a landscape.)

If an artist does not follow the parameters of artistic expression as determined by the Albanian Government, he or she risks imprisonment. The Minnesota Lawyers Committee was informed that artists have received extended prison terms because of the nature of their art. One emigré, FF, was sent into internal exile in the mountains for one year because an official sent an anonymous letter criticizing his artistic style. FF never had the opportunity to challenge his accuser or respond to the accusation. He said that artists' dependency on Government commissions had led some artists to report on each other in order to advance their careers. Those receiving Government commissions have access to heavily subsidized foreign art supplies. Certain favored artists receive such perquisites as studios, Government or academic posts, and paid leave during which they can paint full-time.

Amnesty International has also found that the Albanian Government detains individuals for expressing their opinions.¹⁸ Amnesty International was informed that a prisoner had been serving a second sentence in the early 1980's because of poetry he had written recounting experiences suffered during his first sentence.¹⁹ Amnesty International adds that individuals may be deliberately provoked by *Sigurimi* informants into criticizing the

¹⁸ Amnesty International, Albania: Political Imprisonment and the Law 11 (1984) [hereinafter cited as Political Imprisonment].

¹⁹ *Id.* at 12.

Government. Moreover, the Albanian Government has reportedly convicted citizens for possessing unacceptable books or pieces of art.²⁰

Despite continued preference for the figurative nature of Socialist Realism, the parameters of acceptable art in Albania seem to be broadening. The opening of a painting and sculpture exhibit at the Museum of Contemporary Art in Tiranë on 27 November 1989 was the first event of a three-day celebration of Albania's 45th anniversary of its liberation from foreign occupation. The art exhibit featured approximately forty artists showing over 300 paintings and pieces of sculpture. A foreign visitor who attended the opening described only one or two paintings out of the entire exhibit as classic Socialist Realism.²¹ Other styles noted by the visitor included cubism, expressionism, impressionism, and romanticism. The visitor stated that the sculpture tended to be more traditional in its monumental style. The observer indicated that all the paintings had a human form or profile and that a figurative approach still seems to be the key for acceptance of their paintings by Albanian officials.

Another indication of broadening artistic boundaries was the Fall 1989 publication of a novel containing harsh criticism of the *Sigurimi*. The novel, entitled *Thikat* (The Knives), was written by Neshat Tozaj, a former interior ministry official. The book denounces the brutality and absolute power of the *Sigurimi*. It has been praised in Albanian literary magazines and by the internationally reputed Albanian author Ismail Kadare.²² Kadare remarked on the novel in the Albanian magazine *Drita*, that "a society which

²⁰ *Id.* at 11-12.

²¹ Telephone interview with the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Archdiocese in the United States (4 Dec. 1989).

²² *Novelist Attacks Secret Police in Book*, Foreign Broadcast Information Service, 11 Dec. 1989, at 2.

has the courage to denounce evil is on the march to progress."²³

2. Radio and Television

Albanian radio (Radio Tiranë) has powerful transmitters by which it broadcasts daily overseas in 18 languages. Since 1971, Government-supported television has also been transmitted within Albania. Television sets were first manufactured in Albania in 1972. Twelve years later there were an estimated 500,000 radios and 250,000 televisions in the country.²⁴ Situated in the middle of Europe, Albania also receives programming from various foreign countries including Vatican Radio, Yugoslav radio and television, Radio Free Europe, and Radio Cairo.

In the past, the Government has been extremely strict in prohibiting viewing or listening to these foreign stations. T, an emigré who was detained for three days in 1983 or 1984 in part for listening to Italian and Yugoslav music stations, was regularly kicked and beaten by two police officers.²⁵ T was released on parole and threatened with one year's imprisonment if he were caught listening to foreign radio again. Emigré K was detained for three months in 1986 for listening to foreign rock music. He was first held at Spaç labor camp where he was beaten; he was then moved to an army prison. Despite this official prohibition, a recent visitor noted that youth were familiar with popular western musicians, as illustrated by a graffiti reference to the rock group "Iron Maiden" on the inside of

²³ *Id.*

²⁴ Political Imprisonment, *supra* note 18, tables 10.2 and 10.4.

²⁵ See *supra* chapter "Detention, Torture, and the Death Penalty" p. 58.

an apartment stairwell.²⁶

Televisions are assembled from foreign parts purchased from Philips, a European electronics company. Apparently, Albanian authorities attempt to modify television sets during assembly so that they cannot receive foreign broadcasts. Emigré U reported that, in 1984, a man from his town had been imprisoned for 18 years for readjusting television sets to receive foreign transmissions. The man was charging approximately 500 leks for his services.

These restrictions do not stop the public from viewing foreign channels. U said that he would often watch foreign broadcasts on television; however, U watched television only alone or with close friends for fear of being reported to the authorities.

There are signs that the Government may be easing its earlier communications isolation. For example, it has been reported that Albanian television now airs one of the nightly Italian news programs.²⁷

E. Restrictions on Freedom of Expression

Apart from restrictions on artistic expression and the media, the Minnesota Lawyers Committee received testimonies that ordinary citizens are also affected by Government control of free expression. Several reported that they had been detained for airing their opinions. In 1977, D was arrested for espousing "American ways." He was detained for over one year in solitary confinement and was tortured during his

²⁶ Telephone interview with the Very Reverend Arthur E. Liolin, *supra* note 21.

²⁷ Bourne, *Isolated Albania Seeks Stronger Economic Ties with Outside*, Christian Sci. Monitor, 25 Sept. 1986, at 12, col. 1.

imprisonment.²⁸ D was subsequently sentenced to Spaç labor camp for seven years for agitating against the Party of Labor.

In 1986, J and his two brothers were detained for refusing to vote for a local municipal assembly delegate. They were kept in detention for six months and were continuously beaten.²⁹ There was no trial, no counsel, no right to defense, and no opportunity to appeal. J was sentenced to ten years imprisonment at Bater.

Emigré H said that in the mid-1970's he had been detained and questioned for several hours about alleged anti-Government activities. Although H was not physically abused during this questioning, he believed the police maintained surveillance following his release.

Government restrictions on expression also affect the everyday lives of all citizens. U, an emigré from Shkodër, said that whenever young people would gather informally in the main square, officials would blast music or slogans from outdoor loudspeakers to chase them away. Certain types of non-verbal expression are also frowned upon. CC reported that all Albanian citizens should reserve the most prominent place in their living room for a picture of the Albanian leadership, if not, they risk questioning. CC hung only the smallest of pictures of First Secretary Enver Hoxha. CC knew this was risky and feared that some of those who visited would inform the authorities.

Despite the rather harsh restrictions on freedom of expression, there does appear to be some evidence of dissent in Albania. For example, it has been reported that a group of women in the town of Pogradec successfully lobbied the Government to re-open some ovens used for making a traditional Albanian Orthodox Pentecostal custard. The ovens

²⁸ See *supra* chapter "Detention, Torture, and the Death Penalty" p. 57.

²⁹ See *id* pp. 58-59.

had previously been closed down because of the Government's anti-religion campaign.³⁰ A journalist recently in Albania reported that someone approached him and said that he was a member of an underground dissident group in Tiranë; the group's existence has not been verified, however.³¹ There is also an uncorroborated report that an opposition group blew up a bridge in the early 1980's.³²

F. Contact with Foreigners

Citizens of the United States, the Soviet Union, South Africa, and Israel are not permitted to enter Albania except under certain circumstances. (For example, some Albanian-Americans have been permitted to travel there with tour groups and, more recently, on individual visits.) Under special agreement, citizens of Albania and Greece can travel in groups to the other country. Tourists are normally kept to a restricted itinerary which takes them only to certain towns and regions. Generally, foreign journalists are not allowed into the country unless they are accompanying official guests or traveling under cover as tourists.³³ Amnesty International reports that Albanians have been imprisoned because of contacts with foreign visitors.³⁴ More recently, however, foreign visitors have reported that they were approached by Albanians who engaged them in

³⁰ Interview with the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Archdiocese in the United States, Boston, Mass. (June 1989).

³¹ *No Real Opening in Sight for Communist Albania*, Associated Press, 22 Mar. 1989, news wire service.

³² Foreign Broadcast Information Service, 14 Jan. 1988.

³³ The Economist Intelligence Unit, *Bulgaria, Albania, Country Profile* 29 (1988-1989).

³⁴ *Political Imprisonment*, *supra* note 18, at 12.

conversation.³⁵ Prominent foreign exiles have reported to the Minnesota Lawyers Committee that they have stopped publicly criticizing the Government because relatives still in Albania do suffer retaliation -- often in the form of internal exile.

G. Conclusions

The Albanian Government uses various means to control expression. Only state-sponsored journalism, media, art, and writing exist. Individuals working in those fields are trained in Government-controlled institutes and are dependent on Government commissions. While there are recent indications of broadening artistic boundaries, everyday Albanian citizens' rights to free expression and association are drastically curtailed by the fear of informants and the threat of harsh physical abuse and long prison terms.

³⁵ Interview with the Very Reverend Arthur E. Liolin, *supra* note 30; interview with the Imam Vehbi Ismail, Albanian Islamic Center, Detroit, Mich. (June 1989); The N. Y. Times, 13 Nov. 1989, at 9, col. 1.

IX. MINORITY RIGHTS

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Article 15

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Article 27

A. Introduction

Albania's demographic composition consists of three distinct ethnic or religious communities: a small northern Catholic population, a middle and slightly southern region of Muslims, and a middle and southern Orthodox and Greek area. Other small minority groups exist in Albania, but do not dominate any specific geographic region. According to the 1989 Albanian Government census, 98% of the population is ethnically Albanian.¹ The remaining population is comprised of 58,785 Greeks, 4,697 Macedonians, 100 Montenegrins, Serbs, Croatsians, etc., and 1,261 of other ethnic groups.² The latter presumably include the small Jewish, gypsy, Vlach, and Armenian groups who live in Albania as well.³ Since available information focuses on the Greek minority, this report will also; this lack of information concerning the status of other ethnic groups does not, however, preclude the occurrence of human rights violations against other minorities in Albania.

¹ In April 1989, the Albanian Government conducted a nationwide survey. It found that the total population was 3,182,417. *Census Gives Population Total*, Albanian Telegraph Agency, 9 July 1989. Translated and quoted in Foreign Broadcast Information Service, 11 July 1989, at 7, col. 1.

² *Id.*

³ See, e.g., Kamm, *An Albanian Jew Flees, With Grim Tale to Tell*, The N. Y. Times, 30 Aug. 1986, at A2, col. 3.

Estimates of Albania's Greek minority range from nearly 59,000 to 400,000. The lower Government figure may solely be restricted to those Greeks who reside in the two southern territories, which the Government formally acknowledges as being Greek, and thus would exclude Greeks living elsewhere. The second figure is a hypothetical estimate based on the number of Greek schools and churches in Ottoman Albania, and the number of people formerly registered with the Greek Orthodox Church of Albania.⁴ Some analysts outside Albania place the number of Greeks between these two figures.⁵

The Greek minority in Albania is strongly rooted in the southern-most part of the country. The minority's identity derives from adherence to the Greek Orthodox Church and from use of the Greek language and names. The Albanian Government has attempted to eradicate religious practice and has forbidden the use of "foreign" and religious names. The Government has also discouraged the speaking of Greek in public places. Moreover, the Albanian Government has reportedly relocated non-Greeks to Greek areas and has forced ethnic Greeks to leave, thus dispersing the Greek community. While these policies affect other minorities as well, by attacking diversity of any kind, the Albanian Government has undercut the fundamental sources of the Greek minority's identity.

⁴ Interview with Konstantinos Gigas of the Committee for the Struggle of Northern Epirus, Athens, Greece (Mar. 1988).

⁵ For example, one writer states that 250,000 is more realistic. Stavrou, *Inside Albania's Brutal System of Political Prisons*, Minneapolis Star & Tribune, 4 Feb. 1985, at 11A, col. 1. Greek Minister of State for Foreign Affairs, Karolos Papoulias, once cited a figure of 200,000 for the Greek minority in Albania. Modiano, *Greeks in Albania Allowed Closer Links with Athens*, The N.Y. Times, 21 Dec. 1984.

B. Anti-Religion Campaign and Minority Rights

Since the Party of Labor took power in 1944, Church and State have been formally separated. The promulgation of constitutional and legislative restrictions on religion served to codify the Albanian Government's campaign against all religions.⁶ The Government has suppressed religious holidays and private religious practice. During the anti-religion campaign, authorities confiscated religious artifacts from individuals, including personal crucifixes, icons, and Bibles. Religious leaders were publicly denounced, shaven, defrocked, imprisoned, and killed.⁷

The anti-religion campaign has deeply affected the lives of all religious minorities in Albania, but has had a severe impact on the Greek minority in particular.⁸ The Government has effectively eradicated formal religion in Albania, according to recent Greek minority emigrés. Some individuals, however, still practice secretive and fragmentary religious observance in their homes, though even this is punishable. One emigré said he knew of families that made Easter eggs, although they did so at night in the privacy of their own homes to avoid discovery and reprisals.⁹ Another emigré said that he and his mother secretly wore crucifixes retained from before the anti-religion campaign; the crosses were sewn into their undergarments.¹⁰ He said that his mother hides an icon which she uses for prayer, but that people in his village are afraid to observe religious rituals

⁶ See *supra* chapter "Freedom of Religion" pp. 79-90.

⁷ *Id.* pp. 79-98.

⁸ See, e.g., *id.* recounting the public denunciation of forty Greek Orthodox priests, p. 82.

⁹ Testimony of W, an ethnic Greek emigré.

¹⁰ Testimony of Z, a recent Greek emigré.

collectively, even in small, secret groups.¹¹ Emigrés have testified of people being imprisoned for years or shot in the streets for possession of icons, Bibles, or crosses.¹²

The anti-religion program effectively prevents young people from learning the religious practices and beliefs of their communities.¹³ Special civics classes teach school children to denounce family members and friends for religious observances and other activities.¹⁴ Some teachers force their students to break the fast of Lent by eating cheese.¹⁵ The suppression of religion is so complete that one emigré said he had never witnessed a religious practice until he was 18 years old, when he saw a woman bow over a candle in prayer.¹⁶

C. The Name-Change Campaign

Although the Albanian Government's name-change program was countrywide¹⁷, it appears to have had an especially harsh impact on the Greek minority. According to one emigré, the Albanian Government circulated a list of acceptable names to the Greek community as early as 1967.¹⁸ An Albanian scholar in the United States has

¹¹ *Id.*

¹² Testimonies of C, L, and O; *see also supra* chapter "Freedom of Religion" pp. 90, 92-93 for further testimony.

¹³ Testimony of P.

¹⁴ Testimony of V; *see also infra* chapter "Family Life and Privacy" p. 133 for further testimony.

¹⁵ Testimony of D.

¹⁶ Testimony of F.

¹⁷ *See supra* chapter "Freedom of Religion" pp. 86-90.

¹⁸ Testimony of G.

written that the Government "issued the decree more for nationalistic than religious reasons, namely, to eliminate 'alien influences' in the names of persons, as well as places, and replace them with what the regime regards as purely Albanian names."¹⁹ Recent emigrés echo the observations of these scholars. Muslims have said that the name-change campaign did not affect them,²⁰ while virtually all Greek emigrés could recount at least one incidence of an imposed change of name.²¹

The name-change campaign disrupts longstanding traditions of the Greek community. Greeks name their children after their grandparents, or saints, martyrs, and other religious figures.²² Parents sometimes register an Albanian name with the Government and use a Greek name with their child. Such children are forced to use their Albanian names in school.²³

Decree No. 225, also in 1975, mandated changing geographic place names with religious connotations. Towns named after Christian saints have been renamed.²⁴ Some nonreligious Greek villages have been changed too. For example, Mauropoulo, or "black city" in Greek, became Mburonjë,

¹⁹ P. Prifti, *Socialist Albania Since 1944: Domestic and Foreign Developments* 164 (1978).

²⁰ Testimonies of the Q family, R, S, and U.

²¹ Testimonies of D, G, P, and W.

²² *Human Rights in Albania: Hearing Before the Subcomm. on Human Rights and International Organizations of the House Comm. on Foreign Affairs*, 98th Cong., 2d. Sess., 14 (25 Jan. 1984) (statement of Nikolaos A. Stavrou, Ph.D., Prof. of Political Science, Howard University) [hereinafter cited as *Hearing on Human Rights*].

²³ Testimony of W.

²⁴ Testimonies of K and O.

"shield" in Albanian.²⁵

D. Administrative Detention and Relocation

The Albanian Government interns individuals and families through an administrative process without formal adjudication. Article 27 of the Penal Code provides for internment of those who "represent a danger to the social system." Decree number 5912 of 26 June 1979 specifically permits the internment of those persons whose relatives have fled Albania or have gone into hiding inside the country.²⁶

One former resident said that internment is usually for a five-year term, although this may be extended.²⁷ Internees are sent to work at agricultural cooperatives or factories outside their region where fenced-in camps serve as places of internment.²⁸ This practice may have changed more recently. One former resident said that internees are now sent to remote villages and ordered to report daily to the local police.²⁹ Those individuals who stray from the

²⁵ Stavrou, *supra* note 22, at 73. See also *Human Rights in Albania: Hearing Before the Subcomm. on Human Rights and International Organizations of the House Comm. on Foreign Affairs*, 98th Cong., 2d. Sess., 40 (25 Jan. 1984) (statement of Elias Fani). Fani describes a specific experience with this town name change. For further discussion of the name-change campaign see *supra* chapter "Freedom of Religion" pp. 86-90.

²⁶ Amnesty International, *Albania: Political Imprisonment and the Law* 26-27 (1984).

²⁷ Testimony of GG.

²⁸ *Id.*

²⁹ Testimony of O.

immediate area risk imprisonment.³⁰ Several emigrés stated that they had heard their relatives had been sent into internment since they fled Albania.³¹

Greeks, too, are severely affected by the Government's internment policy. One ethnic Greek emigré described his family's internment experience and alleged that his family was not allowed to speak Greek and was forced to do the heaviest labor.³² Ethnic Greeks tend to be moved north, away from their region, and ethnic Albanians are moved south.³³ After release, internees are reportedly allowed to return to their region of origin but not to their village; their homes are reportedly confiscated.³⁴

Permanent relocations have also occurred. Scholars are divided, however, as to the reasons for relocating families. Some say that the relocation is to disperse the Greek minority.³⁵ If a village is comprised of Greek minority residents, the village may obtain a Greek language school and other privileges. Minority status is granted only to wholly Greek villages; once two or three Albanian families arrive, the village loses that status.³⁶ The Albanian

³⁰ Testimonies of O and EE.

³¹ Testimonies of A, D, W, FF, and GG.

³² Testimony of O.

³³ *Id.*

³⁴ Testimony of GG.

³⁵ International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, *The State of Religious and Human Rights in Albania: Preliminary Report*, at 15 (no date given).

³⁶ Testimony of F. See also The International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic, and Other Minorities. The State of

Government, therefore, may be using relocation to diminish the geographic scope of Greek minority legal rights. Other scholars say, however, that relocations are purely for economic reasons and are not intended to disrupt the Greek minority.³⁷

E. Education and the Greek Community of Albania

Greek language schools have existed in Albania since the 16th century. In 1922, the Albanian Government reported to the League of Nations that 36 Greek schools existed in southern Albania.³⁸ Although the current number of schools is unknown, interviews with emigrés suggest a significant decrease in recent decades. One emigré stated that the Albanian Government has gradually decreased the number of Greek schools, citing two specific school closings.³⁹ Others indicate that the only Greek language schools in Albania today are located in those few villages that the Government formally recognizes as "minority areas."⁴⁰ Minnesota

Religious and Human Rights in Albania submitted at the 39th Sess. of the United Nations Subcomm. on Prevention of Discrimination and Protection of Minorities, Geneva, at 3-5 (1987).

³⁷ "Movements from South to North and vice versa . . . are part of an incessant transfer of labor reserves in the industrialization process of the country." *Hearings on Human Rights* (testimony by Sami Repishti) reprinted in part in *V Albanian Catholic Bulletin* 63, 64 (No. 1 & 2, 1984).

³⁸ *Report from the Albanian Minister for Foreign Affairs*, Tiranë, Albania, 7 July 1922, reprinted in *Minority Schools in Albania* (Alb.), 1935 P.C.I.J., ser. C, No. 76, Pleadings at 40, 42.

³⁹ Testimony of G.

⁴⁰ Testimonies of Nikolaous Daflas and Constantine Dounis as represented in "The State of Religious and Human Rights in Albania," report submitted at the 44th Sess. of the

Lawyers Committee members have seen copies of texts used in the Greek schools. Those seen were written in Greek.

F. Restrictions on the Greek Language

Although there is no direct evidence of formal prohibitions against the use of the Greek language in public, many emigrés have reported *de facto* restrictions in certain settings. A non-Greek emigré said that, in his village, none of the minorities (Macedonian or Greek) were permitted to speak their own languages outside of their homes.⁴¹ Some schools may not permit children to speak Greek to each other.⁴² It is alleged that Greeks in internal exile camps may only speak their native language in their homes.⁴³ One emigré has said that Greek may not be spoken during compulsory military service.⁴⁴ Amnesty International reported complaints that Greeks were expressly forbidden to use Greek when visiting relatives in Albanian prisons.⁴⁵ A recent emigré reaffirmed this report in his statement to

United Nations Commission on Human Rights, by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, Geneva, 1988, at 3. Albanian government officials insist, however, that every Greek-speaking child has the opportunity to attend a Greek language school. Telephone interview with the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Archdiocese in the United States (4 Dec. 1989).

⁴¹ Testimony of T. *See also*, The N. Y. Times, 13 Nov. 1989, at 9, col. 6. An emigré reported that Albanian-Greeks cannot speak Greek outside their region.

⁴² *Id.*

⁴³ Testimony of O.

⁴⁴ Testimonies of A, a Muslim, and D, a Greek.

⁴⁵ Political Imprisonment, *supra* note 26, at 40.

the U.S. House of Representatives Committee on Foreign Affairs. He stated that he had been forbidden to speak Greek to his family when they visited him at Spaç prison camp.⁴⁶ They sat in silence through their visits, since they did not know Albanian. When he forgot and spoke Greek to his visiting sister, the authorities sentenced him to isolation for one month.⁴⁷

G. Signs of Change

First Secretary Enver Hoxha died in April 1985. His successor, First Secretary Ramiz Alia, may be easing some of the Albanian Government's harsh policies against minorities. For example, recent visitors reported extensive restoration of churches and mosques -- as cultural relics and tourist sights.⁴⁸ More particularly, in regard to the Greek minority, Albania has opened its borders to allow Greek nationals to visit relatives in Albania and Albanians to travel to Greece. Numbers have steadily increased: In 1984, 87 Albanians traveled to Greece; in 1985, that figure was 301; and in 1986, 535.⁴⁹ In 1985, 1,265 Greeks traveled to Albania; the figure for 1987 was 6,000. The extent and effect of these changes remains uncertain, however. On Christmas Day 1989, Greek Foreign Minister Antonis Samaras unsettled the Albanian Foreign Ministry with his comments: "[I]n the same way that Christmas is being celebrated in Romania today, I hope that soon we will be able to see the Greek Christian minority, the Greeks of

⁴⁶ *Hearing on Human Rights, supra* note 22, at 38-39.

⁴⁷ *Id.* at 39.

⁴⁸ Interviews with the Imam Vehbi Ismail of the Albanian Islamic Center, Harper Woods, Mich. (June 1989) and the Very Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Church, Boston, Mass. (June 1989).

⁴⁹ Interview with Helena Smith, Associated Press, Athens, Greece (Mar. 1989).

Albania, celebrating Christmas in Albania."⁵⁰ The Greek chargé d'affaires was summoned to the Foreign Ministry in Tiranë on 28 December to explain the public statement.⁵¹

H. Conclusions

The Greek minority has been very severely affected by the Government's human rights policies. In its attempts to unify the country, the Government has undercut fundamental bases of the Greek minority's identity. The abolition of religion has disrupted the Greek community whose cohesiveness depends on shared religious, as well as ethnic, ties. It is evident from the mass of testimonies that the name-change campaign has focused on the non-Muslim sectors of the Albanian population. The Government has attempted to eradicate the use of Orthodox and secular Greek names for people and places. Not all Greek children may attend schools where their own language is used for instruction, or even permitted among the students. The Albanian Government has exercised the use of internal exile and other population movements to attenuate areas designated as Greek, thereby losing their minority status, including the right to Greek-language schooling. Emigrés report that the Greek language may not be spoken in most public institutions, and that most Greeks are afraid to speak their native tongue outside their homes. The Albanian Government's attempts at forging a unified and uniform nation fundamentally violate the cultural rights of ethnic minorities.

⁵⁰ Saint Paul Pioneer Press & Dispatch, 30 Dec. 1989, at 4A, col. 1.

⁵¹ *Id.*

X. THE STATUS OF ALBANIAN WOMEN

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 1

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. . . . Article 2

Everyone has the right to recognition everywhere as a person before the law. Article 6

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 7

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection. Article 25

A. Introduction

This chapter discusses the rights of Albanian women. As in other chapters, the Minnesota Lawyers Committee depends on interviews with emigrés for much of its information. Since there are very few Albanian women emigrés, gathering information about their status is difficult. Hence, this chapter is by necessity somewhat more general than other chapters of the report.

Albanian women were historically restricted to a status of legal and social inferiority. Since the Albanian Party of Labor came to power in 1944, large gains have been made in women's rights. Women's legal equality is now affirmed by the Albanian Constitution. Women are participating in large numbers in the work force, as students, and in politics. It

is not clear, however, whether such changes have been paralleled by changes within the home. Without such changes in the personal as well as the professional lives of women, the burden of the family and outside employment will fall on women. The problem is further intensified by the Government's current high population growth policies.

B. Background

Traditionally, Albanian women were relegated to an inferior status. Infant betrothal, marriage by purchase, marriage by compulsion, and polygamous marriage were not considered crimes until World War II.¹ Popular pre-War sayings illustrate the social role of women: "A woman is a beast of burden;" or "Women are long of hair and short of brains;" and "Even the beams of the house shed tears when a girl is born."² In northern Albania, the treatment of women was governed by the Canon of Lek Dukagjin, a set of unwritten laws dating back to the Middle Ages.³ The Canon made the woman a servant of all males in the family and gave a husband the right "to beat his wife and to bind her in chains if she defies his word and orders."⁴ Women were confined at home and could not eat at the same table with men.⁵ They owned no property and did not have the right of divorce.⁶ Turn-of-the-century travelers confirmed the

¹ J. Kolsti, *From Courtyard to Cabinet: The Political Emergence of Albanian Women in Wolchik and Meyer, Women, State, and Party in Eastern Europe* 138, 141 (1985).

² P. Prifti, *Socialist Albania Since 1944: Domestic and Foreign Developments* 91 (1978).

³ *Id.* at 92-93. See also *supra* chapter "Albanian History, Economy, and Politics" p. 10.

⁴ *Id.* at 93.

⁵ *Id.*

⁶ *Id.* at 94.

hard labor and subordinate status of Albanian women.⁷ There was reportedly only one means to escape this inferior position: unmarried women who upheld vows of virginity were given equal legal status with men.⁸ They could then hold property themselves.⁹ Some women were lauded in traditional folk tales, but only in the guise of mythic warrior maidens.¹⁰

Some reforms were introduced prior to World War II, but it was the war itself that caused the greatest change in women's rights.¹¹ During the war, over six thousand, or approximately one-tenth, of the Communist-dominated partisans were women.¹² In recognition, the Communist Party gave women the right to vote during the war and created a national women's organization in 1943, now known as the Union of Albanian Women (UAW).¹³

C. The Legal Status of Women

In their speeches, the Albanian leadership has repeatedly linked the emancipation of women from traditional practices with the wider liberation of the whole population. In 1967, for example, the Central Committee and the Council of Ministers jointly stated that, "The freedom of the people and of each individual, the progress of the country, and fulfillment of our aims cannot be conceived without the

⁷ E. Durham, *High Albania* 64, 65 (1909, reprinted 1985).

⁸ *Id.* at 63.

⁹ *Id.*

¹⁰ Kolsti, *supra* note 1, at 142.

¹¹ *Id.* at 139, 143.

¹² *Id.*

¹³ *Id.* See also Prifti, *supra* note 2, at 100.

complete emancipation of women."¹⁴ In accord with this thinking, the Albanian Constitution affirms women's equality:

The woman, liberated from political oppression and economic exploitation, as a great force of the revolution, takes an active part in the socialist construction of the country and the defense of the Homeland. The woman enjoys equal rights with man in work, pay, holidays, social security, education, in all social-political activity, as well as in the family.¹⁵

D. The Political Status of Women

Statistics show that the above constitutional provision is being realized to some extent. Women appear to have some access to decision-making positions in the Party of Labor. As noted by Lumturi Rexha in a speech to the 10th Congress of the UAW in June 1988, women make up 33% of the Party's active members and over forty percent of those elected to the People's Councils.¹⁶ Currently, one-third of the deputies elected to the People's Assembly are women, up from 16% in 1967.¹⁷ Out of a total of 13 full members, however, only one woman, Lenka Çuko, occupies a place on the Politburo.¹⁸

Since World War II, the Albanian leadership has included a

¹⁴ Prifti, *supra* note 2, at 95.

¹⁵ Albanian Const. art. 41.

¹⁶ L. Rexha, *Socialism is the Life of the Albanian Woman*, report submitted to the 10th Congress of the Union of Albanian Women, 6 June 1988, extracted and translated by the Foreign Broadcast Information Service, 16 June 1988.

¹⁷ Kolsti, *supra* note 1, at 148.

¹⁸ See *supra* chapter "Albanian History, Economy, and Politics" p. 17, note 13 for a complete list of Politburo members.

few highly visible women. The most prominent of them is Nexhmije Hoxha, the widow of First Secretary Enver Hoxha. Nexhmije Hoxha has at various times been head of the UAW, director of the Institute of Marxist-Leninist Studies, and head of the Democratic Front. She continues to hold the latter post today. Although not granted a place on the Politburo, she holds a seat on the Central Committee and still plays an important role in the leadership even after the death of her husband.

E. Women in Education

One of the most important realms of achievement has been in combatting female illiteracy. Although figures dating back prior to World War II have not been found, illiteracy is generally considered to have been extremely widespread among women, thus binding them to their traditional roles.¹⁹ For centuries, women had been strictly barred from educational institutions. Only in 1891 did missionaries open a girls' school in Korçë. In 1939, there were only 318 girls attending secondary schools in the entire country.²⁰

Statistics show that women now generally enjoy equal access to education. In 1978, for example, 47% of Albania's school population were women.²¹ Total post-secondary enrollment in Albania was 22,403 of which 10,644 were women.²² The enrollment of women in institutes of higher education is skewed towards the social and behavioral sciences: the percentage of women enrolled in these fields is 69%, in the humanities a similar figure of 62%, and in education, 58%. In other fields, women constitute nearly half the student population. An important exception is engineering where

¹⁹ Kolsti, *supra* note 1, at 142.

²⁰ S. Temo, *Education in the People's Socialist Republic of Albania* 38 (Tiranë, 1985).

²¹ Kolsti, *supra* note 1, at 148.

²² UNESCO Yearbook Table 3.8 (1988).

only 28% in the field are women.²³

F. Women in the Work Force

Women make up 47% of the labor force in Albania.²⁴ Those interviewed by the Minnesota Lawyers Committee stated that women are paid the same salaries as men when doing the same work.²⁵ One factory worker said that women have access to top decision-making posts in state-owned enterprises.²⁶

Gender, however, does play a determining role in the types of jobs women hold.²⁷ Those interviewed confirmed impressions held by foreign visitors²⁸ that only women are seen working in the fields. According to one woman emigré, discrimination is particularly prevalent in agriculture, where men usually supervise the predominantly female group of farm laborers.²⁹ Reflecting the distribution of women in higher education,³⁰ certain professions, such as teaching and nursing, are mainly composed of women. Conversely, few women work as mechanical or electrical engineers.³¹

²³ *Id.*

²⁴ Rexha, *supra* note 16.

²⁵ Testimonies of H and S.

²⁶ Testimony of S.

²⁷ *Id.*

²⁸ Interview with the Imam Vehbi Ismail, the Albanian Islamic Center, Harper Woods, Mich. (June 1989).

²⁹ Testimony of CC.

³⁰ *See supra* p. 127.

³¹ Testimony of H.

G. Women at Home

The Albanian Government is pursuing a policy of high population growth. It hopes to achieve a population of four million by the year 2000, rising from a current population of 3.1 million.³² Abortion is illegal, and contraceptives can be purchased at drugstores only with a doctor's prescription.³³ Although available, contraceptives do not appear to be used at all.³⁴ One emigré, HH, indicated that because of the harsh economic situation, families do attempt to use natural means of birth control. In HH's opinion, the Government disfavors abortion or contraceptives because Albanian mores tend still to be very traditional and religious. Therefore, population growth remains the highest in Europe at an annual rate of 2.3%.³⁵

To support the high population growth, the Government has instituted an extensive work-leave and day-care system. The Albanian Constitution guarantees maternity leave and access to day-care facilities:

Mother and child enjoy special solicitude and protection. A mother is entitled to paid leave prior to and after child-birth. The state opens maternity homes and crèches and kindergartens for the children.³⁶

Until a few years ago, pregnant women received three

³² P. Lendvai, *An Impenetrable Fortress*, Christian Sci. Monitor, 3 Apr. 1985, at 18, col. 1.

³³ *Id.*

³⁴ Testimony of H, a university-educated woman, who said that she had never heard of birth control while she was in Albania.

³⁵ Jones, *At Long Last, Albania*, Washington Post, 30 Nov. 1986, at C5, col. 1.

³⁶ Albanian Const. art 48.

weeks' leave before giving birth, and three months after. This policy has been changed to a total of six months' leave,³⁷ during which time women can collect eighty percent of their salaries. Upon return to work, women work reduced hours.³⁸ Day-care appears to be generally available for infants from the age of six months, although some places reportedly charge a small fee.³⁹

Nevertheless, emigrés complain that women are adversely affected by policies that encourage women to bear large families as well as work outside the home. Even though women may now participate in fields previously dominated by men, their responsibilities in the home have not been reduced. Women and men interviewed noted that women alone must now manage the tasks of work, home, and child-raising.⁴⁰ It appears that traditional family relationships have not changed and that men still do not assume an equal share of the obligations of home and children.

Traditional Albanian attitudes of male dominance have been reported to the Minnesota Lawyers Committee by foreign women who have dated Albanian men. These women unanimously said that the men sought to control their major life decisions and sexual relations. Also, Minnesota Lawyers Committee researchers noted that in some emigré interviews, particularly with Muslim families, the men dominated the conversations. One woman, S, confirmed that some traditional practices continue; she specified that dowries are still expected by the groom's family at marriage. Community pressure bolsters this practice, and family and friends will inspect the size of the dowry. S emphasized the importance of the dowry and complained that her family did not earn enough to enable her to get married. She said

³⁷ Testimonies of H and the Q family.

³⁸ Testimony of H.

³⁹ Testimonies of H and W.

⁴⁰ Testimonies of H, I, and CC.

that the Government does not try to stop this practice.

Government publications occasionally decry remnants of traditional discrimination in Albania. In June 1988, a man tried to kidnap his fiancée after she had broken off the engagement. The woman had been betrothed against her will at the age of 16 by a matchmaker. The article describing the incident stated that it "testifies to the survival of vestiges of tribal law." The article concluded that arranged marriages had to stop -- implying that such traditional practices do continue.⁴¹

H. Conclusions

It appears from interviews and statistics that the Albanian Government has achieved gains in the area of women's rights, particularly in light of oppressive traditions which had remained strongly embedded until World War II. Women are now working and studying at institutes of higher education in equal numbers to men. Women are also involved in the Party of Labor and in the Government. Still, career and educational choices, as well as the political and social status resulting from such choices, do still seem to be gender related.

Traditional intra-family behavior, such as dowry and arranged marriages, appear to remain. Discriminatory attitudes linger as well. As long as men leave to women the obligations relating to the home and child-raising, women will bear the brunt of the Government's high population growth policy.

⁴¹ R. Dajti, *A River May Sleep, But Backward Customs Do Not*, 26 June 1988, translated and reprinted in Foreign Broadcast Information Service, 30 June 1988.

XI. FAMILY LIFE AND PRIVACY

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.
Article 12

(3) The family is a natural and fundamental group unit of society and is entitled to protection by society and the state. Article 16

A. Introduction

Traditionally, familial and tribal mores have formed the basis of Albanian society. In forging a unified society, however, the Albanian Government has challenged these old loyalties. In particular, the Albanian Government views the family as one of the last strongholds of religion.¹ There are many instances of monitoring family life for any sign of religious practice. The Government also intrudes for other information, and the Albanian Constitution permits this practice.² Whatever the purpose, the Government's methods include spying done by children, adult informants, and censorship of mail.³

B. Use of children

Children appear to be a primary means of Government

¹ See *supra* chapter "Freedom of Religion" note 58 and accompanying text pp. 96-97.

² "The home is inviolable. No one is permitted to enter another person's home without the approval of the respective person, apart from representatives of the competent state organs and under the conditions defined by law." Albanian Const. art. 57.

³ See also chapter "Freedom of Religion" for further discussion regarding the Government's interference into family life.

surveillance. At school, children are encouraged to spy on family members and report all anti-Government activities to the authorities. In return, children are rewarded with better grades. One emigré, V, reported that teachers instruct their students to denounce their families. V noted that children are used less frequently after the fourth grade, when competing family loyalties grow stronger. V reported that there were many of these denunciations in his village. One boy he knew had denounced family members several times, and each time his grades improved. Having noticed this *quid pro quo*, another boy similarly exposed his parents. Government photographs further exhibit children receiving merit badges -- allegedly for denouncing family members.⁴ This confrontation between family and ideology is enunciated by one Party theorist: "We realize that the family is the last fortress harboring religious remnants that has to be occupied. And no one can occupy it better and easier than the school and its pupils who, true enough, listen to their parents, but who give more weight in these matters to the lessons, ideas and example of the teacher."⁵

The use of children against religion has been formalized into the Cultural Youth Brigades. These Brigades are made up of youth group leaders who travel throughout the country to investigate any attitudes or practices that deviate from the Party practice. When the Brigades encounter signs of deviation, they organize meetings with the local youth to "re-educate" them. *Zëri i Rinisë* (Voice of the Youth), the official weekly of the Albanian Youth Organization, reported on the Brigades' activities in its 29 July 1987 edition, and "stressed their need to fight 'backward customs,

⁴ Interview with Konstantinos Gigas, Committee for the Struggle of Northern Epirus, Athens, Greece (Mar. 1989). He showed pictures from *Për Popullin Me Popullin*, an Albanian photo book (no date available).

⁵ Hako, *Toward the Creation of a Totally Atheistic Society*, XXXIII *Rruga E Partise* 29 (Mar. 1986), translated and reprinted in VII & VIII *Albanian Catholic Bulletin* 24 (1986) and 32 (1987).

superstitions, and recalcitrant religious practices." It reported that there were seventy Brigades operating in the country at that time.⁶

Another emigré, Z, verified that during school in a special civics class, the teacher would indoctrinate the students to denounce family and friends. As for Z, however, he was not aware of any denunciations in his village. A young member of the Q family reported that he had not been instructed to spy in school, but it happened, in any case, as pupils sought favor from teachers. Children may also unwittingly denounce their parents. GG said that teachers not only used their pupils as informants, but would also ask pointed questions, such as, "Why are you dressed so nicely?" on Easter Day.

C. Use of Adult Informants

Many emigrés whom the Minnesota Lawyers Committee interviewed reported that Albanian authorities had also used adult informants. The Q family was politically marked because relatives had escaped Albania in the 1950's; a grandfather had been denounced in the 1970's as well. Family members reported that Government authorities continuously monitored them since the denunciation. Few villagers would dare associate with the family, and when the grandfather died, hardly any relatives came to the funeral. Another emigré, H, alleged that she was under a nine-year surveillance following a brief detention and interrogation in Tiranë some years ago. H noted that information about people is often gathered or reported by "inside spies" as well as through such surveillance.

Emigré X was apprehended in the early 1970's for planning to escape Albania with five others. He was detained for seven months in a police station in Korçë and was certain that one of the others had reported him. After signing a confession, X was taken to *Sigurimi* headquarters in Tiranë

⁶ *Religion Still Troubles Albanian Youth Leaders*, IX Albanian Catholic Bulletin 31 (1988).

where he was further questioned. Before X's trial, a man was placed in his cell and encouraged X to try to escape. X's cell mate later confessed that he was a police "plant" who had already been placed with other detainees for the same purpose. For each detainee who attempted escape, the "plant's" sentence was reduced. X was finally sentenced to three years' imprisonment.

D. Interference with Correspondence

The Albanian Government regularly censors letters and interferes with packages, with particular attention paid to overseas mail. These common interpositions violate the Albanian Constitution: "The secrecy of correspondence and other means of communication cannot be violated, except in the cases of the investigation of a crime, a state of emergency, or of war."⁷ Emigré U described an incident that illustrates violation of this constitutional guarantee. After U's friends had received a letter from relatives in the United States, they were brought into the local police station where the letter was read to them. It described how much the relatives were suffering in their country, but U assumed the authorities had edited the original letter containing good news with another version. The friends dared not ask to see the actual letter for fear of being politically marked; rather, the friends were deemed to have renounced their relatives overseas.

Another emigré, A, reported that he had received more letters from relatives living in Albania since the death of First Secretary Enver Hoxha in 1985. A's brothers would write and then sign their mother's name because, as an elderly person, she is less likely to be harassed by the authorities. A has sent checks that have been returned with a note in a stranger's handwriting, saying, "No thank you. We do not wish to accept the money of a capitalist." A has also sent boxes of brand new clothes to his family that have been returned to him opened with the clothes inside damaged. He believed that Government officials

⁷ Albanian Const. art. 58.

tampered with the packages merely to anger him.

E. Discrimination on the Basis of the Family

In its attempts to sever traditional loyalties, the Albanian Government has targeted traditional tribal structures. One emigré, GG, who lived in a very traditional region in northern Albania, reported that the authorities had actively tried to disband the northern clans. Following the detention of the local patriarchs and the appropriation of the clans' property and cattle, families would no longer designate their familial head for fear that he would be imprisoned.

Several of those interviewed by the Minnesota Lawyers Committee reported discrimination because family members had been politically marked. H, a university graduate in mathematics, was given a menial job in agriculture partly because members of her family were viewed as opponents to the Government. CC was demoted from a senior business position when her father came into disfavor with First Secretary Hoxha; she was later reinstated only when it became apparent that her skills were needed. The Q family was politically marked in part because one of their grandfathers had been a local landowner; ever since, they have been given the most menial and toughest tasks in their cooperative. GG had several relatives who had actively opposed the Party of Labor during the first years of the Alia Government; since then, his family has also been given the most toilsome of work and poorest housing. The children were not allowed to matriculate beyond primary school.

F. Conclusions

The Albanian Government extensively interferes with rights of privacy and protection of the family. It uses children as informants, awarding them with better grades. Albanian authorities reportedly maintain an extensive network of adult informants as well. All this activity led one emigré, U, to conclude that, "Albania is the only country in the world that tries to divide families."

XII. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 22

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of protection. . . . **Article 23**

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. . . . **Article 25**

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children. **Article 26**

A. Introduction

During the past forty years, the Albanian Government has made gains in the field of economic and social rights. It has instituted universal free eight-year education. The provision of certain forms of medical care has been extended into most rural areas and the average life expectancy has risen sharply. At the same time, however, the country suffers from severe food shortages and extensive rationing. Salaries are extremely low and consumer durables are in short supply. Income disparities between Albania's elite and ordinary citizen are greater than those promised by law. The unemployed receive no benefits.

Foreign visitors are struck by the bleakness of life in Albania. One reporter noted that there is very little meat available; she saw people gathering outside her hotel restaurant window to look at the meals being consumed inside.¹ Long lines are continuously forming in front of stores. Shops now sell their wares through small openings in the windows and no longer allow customers entrance to avoid a rush.² At night Tiranë's streetlights are extinguished to conserve electricity; the only illumination is the floodlit museum and statue of First Secretary Enver Hoxha.³ Economic hardships may result in other social manifestations. One reporter noticed that heavy alcohol consumption is widespread.⁴ One emigré, HH, confirmed that there was widespread chemical dependency (he cited alcoholism and valium abuse). A recent visitor also noted that alcoholism appears to be a problem: people would gather to drink brandy before work at 7:30 A.M. He noted

¹ Interview with Helena Smith, Associated Press, Athens, Greece (Mar. 1989).

² *No Real Opening in Sight for Communist Albania*, Associated Press, 22 Mar. 1989, news wire service.

³ *Id.*

⁴ Interview with Helena Smith, *supra* note 1.

the difference between the current prevalence of alcohol use with Albania's staunchly "dry" Muslim past.⁵

B. Salaries

In Albania the distribution of goods is according to the salary earned. Salaries in Albania are the lowest in Europe; annual per capita income in 1987 was 830 US dollars.⁶ In part, salaries are kept low because the Albanian Government continues to affirm its belief in non-material incentives. The Albanian Constitution states: "To encourage work for the maximum results, the use of material stimuli is combined correctly with moral stimuli, giving priority to moral stimuli."⁷ The low salaries should be kept in perspective: direct taxation has not existed since 1969. Social services are provided free of charge; pensions and social security are also provided with no contribution required from one's salary.

The required ratio of pay between the highest and lowest Albanian wage-earners is set by law. The Albanian Constitution states:

Officials serve the people and render account to them, participate directly in work in production, and are paid salaries in fair ratio with those of the workers and cooperativists, with the aim of preventing the creation of a privileged stratum. The pay ratio is set by law.⁸

The stated ratio between workers in general and a top

⁵ Interview with the Imam Vehbi Ismail, Albanian Islamic Center, Detroit, Mich. (June 1989). The Imam travelled to Albania during fall 1988.

⁶ Interview with Helena Smith, *supra* note 1.

⁷ Albanian Const. art. 30.

⁸ *Id.* art. 9.

ministry official is currently set at one to two.⁹ Within the same enterprise or factory, the ratio between the lowest and highest is one to 1.7.¹⁰ The legal ratio is generally confirmed by those interviewed by the Minnesota Lawyers Committee. At the upper end, FF, who escaped in 1987, stated that professionals, such as doctors or teachers, earned 630 leks per month.¹¹ This salary is increased by fifty-lek increments every five years for seniority. CC, who escaped in 1987, stated that senior Government professionals earned 800 leks per month. The Chancellor of the University of Tiranë reportedly earned 1,200 leks per month in 1985.¹² At the lower end, a welder who escaped in 1988 reported that he had earned 400 leks per month.¹³ S, who escaped in 1989, stated that factory workers earned 350 leks per month.

The constitutional guarantee to uphold these pay ratios is not, however, met at the very bottom of the social scale. Emigrés reported that wages can drop down to about 120 leks per month.¹⁴ GG, a manual farm laborer, earned six leks a day before his escape in 1985. This low wage seems to apply particularly to wage-earners who have been politically marked for some reason. Members of the Q family, who escaped in 1989, were politically marked because of escaped relatives and a denounced grandfather. They

⁹ People's Socialist Republic of Albania 20 (Tiranë, 1988).

¹⁰ *Id.*

¹¹ One US dollar is approximately seven new leks -- a fixed rate since June 1979. In this report, wages and prices are recorded in new leks. (One new lek is equivalent to ten old leks.)

¹² P. Lendvai, *An Impenetrable Fortress*, Christian Sci. Monitor, 3 Apr. 1985, at 18, col. 1.

¹³ Testimony of DD.

¹⁴ Testimony of CC.

worked as unskilled laborers at their cooperative and each earned five leks a day. It seems clear that the legal one-to-two maximum ratio is not consistently maintained, considering these low-end salaries in comparison with the earnings of professionals.

These figures gain new meaning when applied to their relative purchasing power. The Q family said that the five leks each member brought home for a day's work was worth one large loaf of bread. S, the factory worker, affirmed that all her salary went towards food. She complained that there was not enough left to collect a dowry in order to get married. The average Albanian can expect to spend a day's salary to buy a kilogram of meat, a week's worth for shoes, and two week's worth for a sweater.¹⁵ U, a semi-skilled technician who escaped in 1988, stated that he had saved for two years in order to purchase a black and white television.

U described the comparatively better lifestyle of local Party officials in his town. The local elite, he said, could be recognized by their possessions. Each person in an elite family might own three shirts or two pairs of shoes. (While this is simply anecdotal, it does reveal what an average Albanian would consider luxurious.) The very highest echelon of Albanian society has access to foreign goods, which they reportedly order through a special office in the Interior Ministry and then have delivered at their homes.¹⁶ Children of the elite can be spotted in Tiranë wearing French or Italian clothing and driving foreign motorcycles.¹⁷

Emigrés reported having to work long hours and long weeks; admittedly this is difficult to verify beyond anecdotal information. GG, who worked on a farm cooperative,

¹⁵ P. Lendvai, *supra* note 12.

¹⁶ Testimony of HH.

¹⁷ *Id.*

complained of 12- to 14-hour work days seven days a week. HH also told of 14-hour work days for cooperative laborers. S said that she worked seven days per week, eight hours per day. The Government allegedly penalizes those who miss work by docking pay. W said that he missed one day of work once and allegedly lost 14 days' pay.

The bleak economic situation has led to widespread prostitution.¹⁸ HH stated that desperation is such that prostitutes ask for as little as the equivalent of one US dollar or merely a pack of cigarettes.

Although statistics are virtually non-existent, there are several reports of the pervasiveness of unemployment. U was left unemployed because his company refused to re-hire him after he had returned from serving in the military. He was only able to find occasional part-time work. U reported that no unemployment benefits are available. This was confirmed by Z who remained unemployed because his family had been politically marked. They had tried to move (with official permission) to another village after a landslide. Although he had graduated from a teacher-training program, Z said he could only earn a little money from cutting lumber, which he sold to wealthier villagers.

In sum, Albanian wages are very low. According to the fixed exchange rate, a senior Government official earns approximately 1,368 US dollars per year. A factory worker earns approximately 600 US dollars per year. Unskilled laborers reportedly earn as little as 205 US dollars per year. Disparities may widen even further as the Government introduces incentive programs to boost the economy. Some mine workers are now eligible for two-percent wage increases for every one-percent increase in output over plan.¹⁹ The guarantee of social equity established in the

¹⁸ *Id.*

¹⁹ P. Artisien, "Albania: Recent Developments," Speech delivered at the National Association for Soviet and East European Studies Annual Conference, Fitzwilliam College,

Albanian Constitution is far from a reality.

C. Food

In addition to low wages, Albanians suffer from severe food shortages -- compounded by the current four-year drought. Several of those interviewed complained of highly restrictive rationing, although reports varied as to the amounts granted each family. While several emigrés said they had received four kilograms of meat per month,²⁰ others stated they had only received three kilograms of meat per month.²¹ All agreed, however, that this provision was regardless of the number of family members. Eggs are also rationed at five to seven per family per week.²² Cheese, sugar, and coffee, among other commodities, are also rationed.²³ Families are reportedly registered at individual stores; they must present official travel permits as well as ration coupons to purchase goods elsewhere. (This policy may also be viewed as a means to control movement within the country.²⁴) One emigré, B, said that each individual is allotted a specific day for shopping; if one misses that day, one cannot purchase any of the rationed produce until the next scheduled day.

The Albanian Government is clearly aware of these shortages. A provincial Party policy document recently stated that the Government had targeted an annual national

Cambridge, at 2 (20-28 Mar. 1987). He cites an editorial in *Zëri i Popullit*, 27 Feb. 1987.

²⁰ Testimonies of B and HH.

²¹ Testimonies of CC and DD.

²² Testimonies of B, who said twenty eggs per month, and HH, who said seven eggs per week.

²³ Testimonies of A, B, U, and GG.

²⁴ *Albanian Refugees Tell of Religious Oppression*, III *Albanian Catholic Bulletin* 21 (No. 1 & 2, 1982).

meat supply of ten kilograms per capita.²⁵ When foreigners visit relatives, their hosts reportedly get an extra meat ration.²⁶

Non-rationed goods are also in short supply. Several of those interviewed complained of having to stand in line at midnight or two in the morning to receive milk the following morning.²⁷ Apparently, shops are rationed a certain number of bottles of milk per day to sell (explaining the long wait in lines).²⁸ Milk is reportedly available on a seasonal basis and is not available during the winter.²⁹ According to U, fruit is not rationed, but is only available for short periods.

Conditions are reportedly worse in the countryside. GG reported that meat was only available on holidays and then only in quantities of 100 grams per person. This shortage was confirmed by CC and HH who said that villagers rarely get any meat at all. Z said that those in the countryside gathered wild greens in the mountains to supplement their diet. Soldiers serving in the military are subject to an extremely meager diet as well. AA, who had served as a border guard, said that soldiers received tea and cheese in the morning and some vegetable soup with macaroni or rice in the evenings.

In addition to goods purchased in stores, Albanians have been granted small plots of land for growing extra food. Q

²⁵ J. Young and T. Stanger, *Albania: A Crack in the Door*, Newsweek, 18 Jan. 1988, at 11.

²⁶ Interview with the Imam Vehbi Ismail, *supra* note 5. The Imam heard of this occurring, although he did not think that his hosts had received such an extra ration.

²⁷ Testimonies of H, CC, and HH.

²⁸ Testimony of CC.

²⁹ Testimony of B.

said that his family owned a 300-square-meter plot. GG reported that his family's plot had been granted in 1967 and was only 100 square meters in size. He complained that the plot of land was granted to the whole family and would have to be divided between the siblings. GG added that while seed is available for purchase, everyone in his village would pilfer from the cooperative. Z said that his family's plot was critical for their survival, since they were politically marked and therefore unemployable.

There was reportedly a controversy some years ago involving livestock that were kept on these small private plots. During the Seventh Five-Year Plan, the Government announced that it was going to collectivize these herds. Farmers reacted by slaughtering their animals in the thousands -- drastically affecting meat and dairy supplies. The Government retreated from its original intentions and subsequently cancelled its plans.³⁰

High-ranking Government officials are not obliged to stand in lines for food rations; their goods are delivered directly to their homes.³¹ Even members of the Albanian middle class, such as senior Government officials³² or other professionals,³³ do not receive such privileges. L, an ethnic Greek, said that there was no discrimination in food distribution against his minority.

D. Housing

According to official spokespeople, between 1945 and 1985, 164,848 apartments were built by the state and 232,355

³⁰ P. Artisien, *supra* note 19, at 5, 7-8.

³¹ Testimony of HH.

³² Testimony of CC.

³³ Testimony of FF.

houses were built by private individuals with state aid.³⁴ Four-fifths of the population live in housing built since 1946.³⁵ Nevertheless, there appears to be severe overcrowding. The Imam Vehbi Ismail visited a family of seven, for example, living in a single room.³⁶

Emigrés interviewed by the Minnesota Lawyers Committee confirmed these impressions. CC said that he knew of families of four living in one room. P said that newly married couples can expect to wait as long as ten years to get a home of their own. Both P and R recruited friends on Sundays to build their own houses to expedite the process. Photographs taken by foreign visitors show that housing in general appears dilapidated.

In contrast, the Albanian elite own larger houses, some of which are villas built during the Italian Occupation. In addition to a relatively spacious home in Tiranë, one family interviewed had owned a summer cottage on the coast.³⁷

E. Education

The Albanian Constitution guarantees universal education: "Children have the right to education. Eight-grade education is universal and compulsory. The state aims at raising the level of compulsory education for everybody."³⁸

School is compulsory between the ages of six and 13. This is a general education program with political training throughout and some foreign language training beginning at

³⁴ A. Berxholi and P. Qiriaz, *Albania: A Geographical View* 62 (Tiranë, 1986).

³⁵ *Id.*

³⁶ Interview with the Imam Vehbi Ismail, *supra* note 5.

³⁷ Testimony of CC.

³⁸ Albanian Const. art. 52.

fifth grade. Beyond this general "eight-grade" school, there are various educational options. These choices include a four-year general secondary education, a four-year vocational secondary education, and other shorter "lower" vocational training programs. In 1985, 51% of those graduated from eighth grade continued with some form of full-time secondary education and another 20,000 students enrolled in part-time courses.³⁹ In 1983, 20.8% of those enrolled in secondary schools were attending the general program; the remaining students were receiving vocational training.⁴⁰ Girls constituted 52.1% of all pupils enrolled in secondary schools and 39.1% of those attending part-time.⁴¹ Members of the elite appear to have access to certain better-equipped secondary schools.

Some of those interviewed by the Minnesota Lawyers Committee attended various forms of vocational training. V went to a special four-year sports school. S attended a three-month program to prepare for working at a factory. U was sent to a six-month course to prepare him for working at a utility plant. All secondary-education programs include some form of physical or military training and labor.⁴² Beyond secondary schooling, there are various specialized institutes and the University of Tiranë, which was founded in 1957. In 1986, 719 per 100,000 students attended some form of higher education -- including evening and correspondence courses. This compares with a similar figure of 1,989 per 100,000 in Italy, and an estimated 2,358 per 100,000 students in France.⁴³ An estimated 32% of the student body admitted to the University of Tiranë is of

³⁹ S. Temo, *Education in the People's Socialist Republic of Albania* 37 (Tiranë, 1985).

⁴⁰ *Id.* tables after 44.

⁴¹ *Id.* at 38.

⁴² S. Temo, *supra* note 39, tables after 44.

⁴³ UNESCO Yearbook table 3.6 (1988).

worker origin.⁴⁴ There is also the V.I. Lenin "Party" School that solicits individuals of ideological merit for short training courses before they assume Government positions.

Although the Albanian Government maintains that education is free and available to everyone, interviews conducted by the Minnesota Lawyers Committee reveal that political background may restrict access beyond elementary school. BB said that one does not take an exam after eighth grade; rather, the student submits his or her grades and a biography. BB had requested either officers' or medical school, but he was sent to a geology school because members of his family were not Party members. To gain admission into programs of further education, BB said that one must be from a Party family, have an exemplary biography, or have had a "revolutionary death" in one's family.

Hidden costs also hinder access to secondary schools. Neither S's nor U's family could forego their children's additional wages, which contributed to the household income, while they were away in school. BB was sent away from home to the geology school. He complained that while tuition was free, room and board was extremely expensive at 200 leks per month. Despite this cost, his dormitory was overcrowded with fifty students living in one large room. Students also have to pay for books. T complained that one text was worth two days' salary, while another was worth four days'.

Also, political background may preclude use of training received in secondary schools. V said that after his sports high school, he could not carry on with his training because an aunt, uncle, and cousin had escaped the country. Z received two years' teacher-training, but could not find a job because his family had been politically marked when they tried to move to a different village -- even with an official permit. H earned a university degree in mathematics, but was given a job in agriculture. H felt

⁴⁴ S. Temo, *supra* note 39, at 47-48.

that this was in part due to her family's political background.

F. Social Services

The Albanian Constitution provides for retirement pension, disability support, and free medical care. It states:

Citizens of town and country are guaranteed the necessary material means of livelihood in old age, in case of illness or loss of ability to work. . . . (Art. 46)

The state guarantees to citizens the necessary medical services as well as medical treatment in the health centers of the country, free of charge. (Art. 47)⁴⁵

Retirement pension equals 70% of an individual's salary, and disability or sick-leave pay is 70 to 100% of an individual's cumulative salary.⁴⁶ Social security contribution is not withdrawn from one's salary (although considering how low salaries are, the contribution is in effect deducted prior to payment). Retirement age is quite early: between 50 and 60 for men and between 45 and 55 for women.⁴⁷

Life expectancy in Albania has increased from 38.3 years in 1938 to 71.2 years in 1985.⁴⁸ During the same period, the death rate declined sharply from 17.8 to 5.8 per 1,000.⁴⁹ In 1983, the country had 5,165 health institutions with 17,600

⁴⁵ Albanian Const. arts. 46 and 47.

⁴⁶ *Albania: Introductory Survey, Statistical Survey, Directory* 289, 291 (date of publication unavailable) [hereinafter cited as *Introductory Survey*].

⁴⁷ *Id.*

⁴⁸ A. Berxholi and P. Qiriazi, *supra* note 34, at 60.

⁴⁹ *Id.*

beds available.⁵⁰ This figure translates to one bed available per 161.4 citizens. There were 4,957 doctors and dentists -- one for every 573 in the population.⁵¹

Yet, information gathered from emigrés shows that medical provisions may be lacking. A typical village clinic appears to be staffed by only one nurse.⁵² Doctors serve several villages concurrently and emigrés complained that waiting lists for consultations are long. T said that there was only one doctor serving an estimated 5,000 people in his area with three villages. This is an improvement, however, from the early 1980's when T's region had no doctor at all; one had to travel eighty kilometers to the nearest town to see a physician. At the same time, the highest echelons of the Government have access to their own special clinic.⁵³

G. Conclusions

Despite improvements in some social conditions in Albania, some of those interviewed complained of low wages, food shortages, and overcrowding in dilapidated housing. Access to education is affected by political status. While the Constitution guarantees equitable distribution, it is clear that wages vary widely and that the elite reserve certain privileges for themselves.

⁵⁰ *Introductory Survey, supra* note 46.

⁵¹ *Id.*

⁵² Testimony of the Q family.

⁵³ Testimony of CC.

**MINNESOTA LAWYERS
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April 26, 1989

Mr. Ramiz Alia
Sekretar I Para
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Your Excellency:

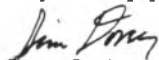
The Minnesota Lawyers International Human Rights Committee is an independent, nongovernmental organization with a membership of over 800 lawyers, professors, and scholars dedicated to promoting human rights worldwide. Our activities include sending missions abroad, reporting to the United Nations, drafting international standards, and representing claimants for asylum in the United States. We have also established a center for the psychiatric and physical treatment of torture victims.

We are currently studying the human rights situation in Albania. We are attempting to write the most comprehensive and balanced report possible. We wish to send a mission to visit your country. This would help us in ensuring the accuracy of our report.

We write to you now to inquire about this possibility. We understand that American citizens may not legally be allowed into Albania. Our Committee includes non-Americans on its staff whom we can send instead.

We hope that you will consider our request and grant us permission to visit Albania. We look forward to your prompt reply.

Respectfully yours,



James E. Dorsey, President

430 Marquette Avenue, Suite 402, Minneapolis, Minnesota 55401, (612) 341-3302

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August 21, 1989

The Permanent Mission of the People's Socialist
Republic of Albania to the United Nations
320 East 79th Street
New York, NY 10021

Dear Sir/Madam:

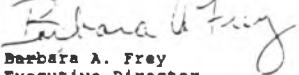
The Minnesota Lawyers International Human Rights Committee is an independent, nongovernmental organization with a membership of over 800 lawyers, professors, and judges dedicated to the promotion of human rights worldwide. The Minnesota Lawyers Committee has sent investigative missions to various countries, including Argentina, Chile, Guatemala, Haiti, Romania, and Tunisia. It has also written a Protocol on death investigations for the United Nations and has started a center for the psychiatric treatment of torture victims.

Please find enclosed a copy of a letter we sent earlier this year to First Secretary Ramiz Alia. For the past two years, we have been investigating human rights in Albania. We hope to produce the most comprehensive and balanced survey possible. We wrote to your government requesting permission to send an investigative mission to your country. We feel that this would be invaluable in writing our report.

We have not received a reply from your government. We wonder if you could find out the status of our request and inform us as to the possibility of such a trip. As stated in the earlier letter, we do have non-U.S. citizens in our Committee who could travel to Albania.

We hope that you can help us in this matter and look forward to your prompt reply.

Respectfully yours,


Barbara A. Frey
Executive Director

BAF/jdl

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21 November 1989

Mr. M. Bashkim Pitarka
Ambassador Extraordinary and Plenipotentiary
The Permanent Mission of the People's
Socialist Republic of Albania
320 East 79th Street
New York, NY 10021

Your Excellency:

On behalf of the Minnesota Lawyers International Human Rights Committee, I have the honor to submit for your comments a draft report which our organization has prepared concerning human rights in the People's Socialist Republic of Albania. In addition, we have sent a similar letter to Ramiz Alia, President of the People's Socialist Republic of Albania.

The Minnesota Lawyers International Human Rights Committee was formed in 1983 and now has over 800 members. The Committee has sent missions to Central America, Chile, Haiti, the Republic of Korea, the Philippines, Romania, South Africa, Tunisia, and Uruguay. Among other projects, Committee members have helped to establish the Center for Victims of Torture, have represented victims of human rights abuses in applying for asylum in the United States, have submitted communications to the United Nations, have submitted writs of habeas corpus (and amparo) on behalf of disappeared persons, and have authored standards for the investigation of the cause of death in cases of arbitrary killings. The Committee has previously issued reports on the plight of Mariel Cubans in the United States, the detention of aliens in the Oakdale detention facility in Louisiana, on a political trial in Romania, on children's rights in Haiti, and on the use of habeas corpus in Guatemala.

The Minnesota Lawyers International Human Rights Committee works to promote and protect human rights that are of concern to the entire international community. In this regard, we note that the People's Socialist Republic of Albania has not acceded to the International Covenant on Civil and Political Rights nor has your government ratified the International Covenant on Economic, Social and Cultural Rights. Although your government is party to the Geneva Conventions relating to the treatment of prisoners of war, it has not ratified the numerous treaties pertaining to the treatment of persons detained under national law or recognized a legal commitment to refrain from cruel, inhuman or degrading treatment or punishment. The

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M. Bashkim Pitarka
Page two
21 November 1989

People's Socialist Republic of Albania is, however, bound by the basic principles of human rights which are now recognized as part of customary international law.

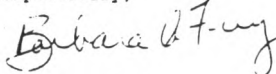
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We look forward to hearing from your government. We also look forward to developing a genuine dialogue and exchange of information with your government.

Respectfully,



Barbara A. Frey

**MINNESOTA LAWYERS
INTERNATIONAL HUMAN RIGHTS COMMITTEE**

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21 November 1989

Mr. Ramiz Alia
Sekretar I Pare
I Partise Se Punes
Te Shqiperise
T.R.P.S.Sh.
Tirane
Shqiperi/Albania

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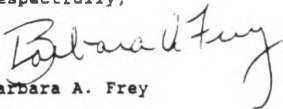
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Respectfully,


Barbara A. Frey

PENAL CODEGENERAL PARTChapter Three: Punishments, Medical and Educational Measures [pp. 407-413]

Article 16

The Meaning and Purpose of Punishment

Penal punishment is a means of constraint, with a political and ideological character, used by the socialist state in the class struggle.

Penal punishment is a powerful weapon of the dictatorship of the proletariat in the struggle against its enemies, for the defense and strengthening of the socialist order of society.

The purpose of penal punishment is to stop further injurious behavior by the malefactor, as well as to educate him so that he will become useful to society.

The purpose of penal punishment is also to exert an influence on the education of other citizens in the spirit of respect for socialist laws.

Article 17

Types of Punishment

These chief forms of punishment are applied by courts against persons who have committed crimes [t felonies]:

1. Re-education through labor;
2. Deprivation of liberty;
3. Death.

These chief forms of punishment are applied by courts against persons who have committed penal violations [misdemeanors]:

1. Public reprimand;
2. Fine;
3. Re-education through labor;
4. Deprivation of liberty.

These additional punishments may be applied by courts against persons who have committed penal acts:

1. Deprivation of decorations [medals];
2. Prohibition on the exercise of a particular activity or profession;
3. Deprivation of voting rights;
4. Exile;
5. Internment.

Article 18

Public Reprimand

A public reprimand is a reprimand that is given by the court to the malefactor at his place of work or residence.

Article 19

Fine

A fine is a monetary punishment. Punishment by fine is determined within limits set by a special part of this code and is applied in amounts ranging from fifty to one thousand leks.

When determining a fine, the court must bear in mind - aside from other factors - the personal and familial conditions of the malefactor.

If the fine is not paid, the court substitutes for it re-education through labor, calculating five leks per workday.

Article 20

Re-education through Labor

Re-education through labor constrains the malefactor to work for a period of time from one month to one year at a workplace determined by decision of the court or in places determined by the organs of execution.

The person punished with re-education through labor, by decision of the court, has up to one quarter of his remuneration for the work he does deducted for the benefit of the state.

The length of time of this sentence is not calculated into either the term of his seniority at work or the term of his military service.

The time of his temporary inability to work is not calculated into the term of this punishment.

During the period of punishment by re-education through labor, the person punished is not given any increases above his base salary, nor any other benefits.

Re-education through labor is not applied against persons who are unable to work. Such persons are given a milder punishment.

The manner of applying the punishment of re-education through labor against a person in the military is regulated according to special provisions.

In the event that a person punished with re-education through labor avoids the ordeal of his punishment without reason, by decision of the court this punishment is replaced by deprivation of liberty, calculating three days of re-education through labor unfulfilled as one day of deprivation of liberty.

Article 21

Deprivation of Liberty

Punishment by deprivation of liberty is applied by decision of the court for a period of from one month to twenty-five years and is served in places of re-education through labor or in prison.

A person who, at the time he committed the penal act, had not reached the age of eighteen, is sentenced to not more than one half of the punishment by deprivation of liberty provided by the penal law for the act he committed.

Minors serve their sentence of deprivation of liberty in special places.

Article 22

The Death Sentence

The death sentence is an extraordinary punishment that is applied for particularly dangerous crimes.

The death sentence is not applied against persons who, at the time they committed the crime, had not reached the age of eighteen, nor against women who were pregnant at the time they committed the crime or at the time of sentencing.

The death sentence is not carried out against a woman if it is ascertained that she is pregnant at the time when the sentence is to be carried out. This punishment is replaced by a sentence of twenty-five years of deprivation of liberty.

Article 23

Deprivation of Honorary Titles and Decorations

Deprivation of honorary titles and decorations is obligatory in the case of a crime when the court applies a punishment of deprivation of liberty for a period of not less than ten years.

The court may also decide on the deprivation of honorary titles and decorations when it applies a punishment of deprivation of liberty for from one to ten years, if this is deemed necessary because of the nature of the act committed.

If the court decides on the deprivation of honorary titles and decorations that have been given to the sentenced individual by the Presidium of the People's Assembly, its decision - after taking the form of a verdict - must be communicated to the Presidium of the People's Assembly.

Article 24

Prohibition on the Exercise of a Particular Activity or Profession

Prohibition on the exercise of a particular activity or profession is applied for a period ranging from one to five years, if the court determines that the person being punished has misused these and deems that he must not exercise them in the future.

Article 25

Deprivation of Voting Rights

With the deprivation of his voting rights, the person sentenced does not have the right to vote or be elected to the People's Assembly, people's councils, and tribunals.

Deprivation of voting rights is applied for the commission of a crime and for a period ranging from one to five years.

Article 26

Exile

Exile involves removal of the the person sentenced from his place of residence with or without a prohibition on his residence in one or in several specified places.

Exile is applied for a penal act, for a period ranging from one to five years, in cases where the court deems that the malefactor's residence in specific places is dangerous to society.

Exile applied against foreigners may also involve their expulsion outside the borders of the People's Socialist Republic of Albania.

The execution of this punishment is made by the organs of internal affairs after the serving of the primary sentence.

Article 27

Internment

Internment involves obliging the person sentenced to reside in a specific place for a period ranging from one to five years.

Internment is applied by the court for the commission of a crime when it deems that the movement of the sentenced individual in various places presents a danger to society.

The execution of this punishment is made by the organs of internal affairs after the serving of the primary sentence.

Article 28

Medical and Educational Measures

Medical measures are applied against persons who are not responsible for their acts, when this is viewed as a necessity, while educational measures are applied by the court when it deems that punishments are not appropriate, or against persons who, due to their age, are not responsible from the penal standpoint.

Medical measures are:

1. Obligatory treatment with medicines;
2. Isolation in a medical institution.

Educational measures are:

1. The placing of minors in an educational institution.
2. Education of the person by the collective or by social organizations.

SPECIFIC PART

A) CRIMES

CHAPTER ONE

CRIMES AGAINST THE STATE

Article 47

Treason Against the Fatherland

Treason against the Fatherland is the gravest crime that can be committed by a citizen of the People's Socialist Republic of Albania.

Treason against the Fatherland involves any act committed to overthrow the state of the dictatorship of the proletariat, as well as any act directed against national independence, the defense force, and the external security of the People's Socialist Republic of Albania, such as, especially:

- a) Organizing or participating in armed rebellion to overthrow the socialist state and the Albanian Party of Labor, as the only leading political force of the state and society;
- b) Exercise, in the name of the People's Socialist Republic of Albania, of popular sovereignty and any attribute of it in opposition to the Constitution;
- c) Signing or agreeing in the name of the People's Socialist Republic of Albania to the capitulation or occupation of the country;
- d) Activities which aim at the transference of the territory of the People's Socialist Republic of Albania or at the affecting of its boundaries;
- e) Agreement to the placing of bases and foreign military forces within the territory of the People's Socialist Republic of Albania;
- f) The creation of societies and of other economic and financial institutions - either foreign or joined with monopolies and with capitalist, bourgeois, and revisionist states, as well as the acceptance of credit from them;
- g) Breach of military oath, either organizing or participating in a conspiracy or military putsch, surrender of military forces and war materiel to the enemy, or destroying or incapacitating them in order to assist the enemy;
- h) Cooperation with the enemy in wartime in regions temporarily occupied by it [i.e. the enemy];
- i) Serving foreign states in activities inimical to the People's Socialist Republic of Albania;
- j) Espionage and carrying out other orders of foreign agents, as well as conveying to foreign states military secrets or any other secrets;
- k) Escape outside the state, as well as refusal to return to the Fatherland by a person who has been sent to serve or has been permitted temporarily to go outside the state.

Treason against the Fatherland is punishable by deprivation of liberty for not less than ten years or by death.

Article 48

Espionage

The collection, theft, and possession of political, military, and economic information with the intention of delivering it or actually delivering it to foreign states or their agents, accomplished by foreign citizens or stateless persons is punishable: by deprivation of liberty for not less than ten years or by death.

Article 49

Provocation to War or to the Severing of Diplomatic Relations with the People's Socialist Republic of Albania

The preparation or use of false documents, the communication of false information, or other acts of this type to provoke war or the severing of diplomatic relations with the People's Socialist Republic of Albania is punishable: by deprivation of liberty for not less than ten years or by death.

Article 50

Terrorist Acts

Terrorist acts against representatives of the state and the Albanian Party of Labor or against other persons because of their activities in the state or society is punishable:

by deprivation of liberty for not less than ten years or by death.

These acts, committed against representatives of foreign states, are punishable:

by deprivation of liberty for not less than ten years or by death.

Article 51

Organizing Armed Gangs or Participating in Them

The organizing of armed gangs or participating in these gangs, whether they enter the People's Socialist Republic of Albania from outside or are formed within the country in order to commit crimes against the state, is punishable:

by deprivation of liberty for not less than ten years or by death.

Article 52

Subversive Activity

The destruction or damage of socialist property by means of explosives, fire, or in any other manner, poisoning or spreading epidemic diseases in order to weaken or undermine the people's government are punishable:
by deprivation of liberty for not less than ten years or by death.

Article 53

Sabotage

Activity or inactivity to weaken or undermine the operations of the state and the Albanian Party of Labor, the socialist economy, and the organization and administration of the state and society is punishable:
by deprivation of liberty for not less than ten years or by death.

Article 54

Genocide

Acts committed in order to destroy completely or partially a national, ethnic, or racial group, such as: a) the killing of members of the group; b) grave bodily or mental harm to members of the group; c) deliberately placing the group in such living conditions that cause their complete or partial physical destruction; d) measures aimed at stopping births in the group; and e) the forcible transfer of children of the group to another group, are punishable:
by deprivation of liberty for not less than ten years or by death.

Article 55

Agitation and Propaganda Against the State

Fascist, anti-democratic, religious, war-mongering, and anti-socialist agitation and propaganda, as well as the preparation, dissemination, or possession for dissemination of literature with such content, in order to weaken or undermine the state of the dictatorship of the proletariat is punishable:

by deprivation of liberty for a period of from three to ten years.

If these acts have been committed in wartime or have caused particularly grave consequences, they are punishable:

by deprivation of liberty for not less than ten years or by death.

Article 56

Incitement to Hatred or Conflict Among Nationalities and Races

Incitement to racial and national hatred or conflict, as well as the preparation, dissemination or possession with intent to disseminate of writings with such content is punishable:

by deprivation of liberty for a period of from three to ten years.

Article 57

Creation of a Counterrevolutionary Organization or Participation in It

The creation of an organization with a fascist, anti-democratic, and anti-socialist character or participation in it to commit crimes against the state is punishable: by deprivation of liberty for not less than ten years or by death.

Article 58

Subversive Activity Before the Liberation

Active operations against the revolutionary movement, developed during or before the Nazi and fascist occupation by persons who were in positions of responsibility in the state or by persons who were in secret services or in treasonous organizations, is punishable:

by deprivation of liberty for not less than ten years or by death.

Article 59

Protection After Commission of a Crime

Hiding a person who has committed a crime against the state, and concealing traces or objects ensuing from this crime are punishable:

by deprivation of liberty for not less than five years and, in particularly grave circumstances, by death.

Article 60

Activities Against the Revolutionary Movement of the Working Class

On the basis of the principle of proletarian internationalism, crimes against the state, provided for by penal legislation of the People's Socialist Republic of Albania, even when they are directed against other socialist states, the revolutionary movement of the working class, the struggle of peoples for freedom and independence, and social progress and socialism, are punished as crimes committed against the People's Socialist Republic of Albania.

THE CODE OF PENAL PROCEDURE**GENERAL PART****CHAPTER TWO****Article 5****The Court**

The court is the organ that effects the rendering of justice.

No one may be declared guilty and be punished for the commission of a penal act without a decision by the court.

The court takes all measures to render a correct judgment in a case, which is ensured in the fullest possible manner by its educative purpose.

The court, in judging penal matters, is independent and decides solely on the basis of the law.

Article 8**The Accused**

The accused is the person who has been assumed to be responsible for committing the penal act. He is known as such until the decision of the court takes official form or the case is dismissed.

The accused enjoys the right of defense throughout the entire penal process.

In instances provided for by articles 9 and 10 of this Code, the accused is assured of special defense during the trial.

Article 9**The Defender**

The defender is a specific person whose duty is to assist the accused in defending his legitimate rights and interests.

The defender may be:

a legal counsellor, the spouse of the accused, a blood-relative or close relative by marriage of the accused, etc.

By decision of the court, the defender of the accused may also be another person.

Article 10

A legal counsellor is appointed as a defender in cases where:

- 1) The accused is below the age of 18;

- 2) The accused, because of physical or psychological handicap, cannot accomplish the right of defense by himself;
- 3) The accused is a foreign citizen and requests the appointment of a legal counselor;
- 4) The court deems it necessary due to the nature of the case or because of other circumstances.

In the instances provided for under numbers 1 and 2 of this article, the participation of a legal counsellor is obligatory.

CHAPTER III

THE ARREST OF THE ACCUSED AND HIS QUESTIONING

Article 75

The Arrest of the Accused

When there is sufficient evidence indicating that the penal act has been committed by a specific person, the court, the judge, or the examining magistrate decides to arrest the person.

Article 76

Communication of the Charge and Questioning of the Accused

The decision to arrest the accused, within 24 hours of determining upon this course, is communicated to the person who bears penal responsibility, who has the right to know why he is accused.

The accused is questioned by the examining magistrate within 24 hours of the time he has been notified of the decision to arrest him as the accused. If the questioning is carried out with delay, the examining magistrate submits a statement in which the reasons for this delay are noted.

Article 77

Alteration or Completion of the Charge

If, after arresting a person as the accused and questioning him, new evidence emerges that alters the charge or completes it, the examining magistrate is obliged to make a decision, which is communicated to the accused.

Article 78

Statement of the Questioning of the Accused

A statement of the questioning of the accused is taken, in which are noted the questions of the examining magistrate and the answers of the accused.

The statement of questioning is given to the accused to read, and he has the right to request expansions or corrections of it.

Article 79

Removal of the Accused from His Duties

If a person is arrested, accused of a crime that is connected with his duties, the examining magistrate, in the event that he deems it necessary, by justified decision, approved by the prosecutor, should decide to remove the accused from his duties and notify the workplace of this.

CHAPTER IV

THE QUESTIONING OF WITNESSES AND THE EXAMINATION

Article 80

Regulations Regarding the Questioning of Witnesses

The witnesses are questioned one by one and only regarding the facts connected with the matter being investigated or adjudicated.

A statement of the questioning of the witness is taken, in which are noted the comments made by the witness, the questions asked by the examining magistrate, and the answers given.

Article 81

The Rights of the Witness

At the close of the statement of questioning, it is read by the witness, who has the right to request that the statement should be expanded or corrected.

Article 82

Decision Regarding Examination and the Rights of the Accused

The decision of the court, the judge, or the examining magistrate regarding the performance of an examination is communicated to the accused, and it is explained to him that he has the right to request the exclusion of an examiner, to specify other examiners, to participate in the examination himself, when this is possible, and to submit additional questions.

These actions, as well as the acceptance or refusal of the requests of the accused, are noted in the statement of questioning of the accused.

Article 83

Duties of the Examiner

The examiner is obliged to voice his opinion regarding the questions put by the court, the judge, or the examining magistrate.

The conclusions of the examiner are reflected in a special document, in which are entered the [name of] the person who carried out the examination and his duties, the materials that were the object of scrutiny, the questions raised for resolution, the methods used in carrying out the examination, and his conclusions.

The examiner, if he regards it as necessary, has the right to request to acquaint himself with the materials of the case that are connected with the examination.

If there is more than one examiner and there is a difference of opinion among them, each submits a special document regarding his opinion.

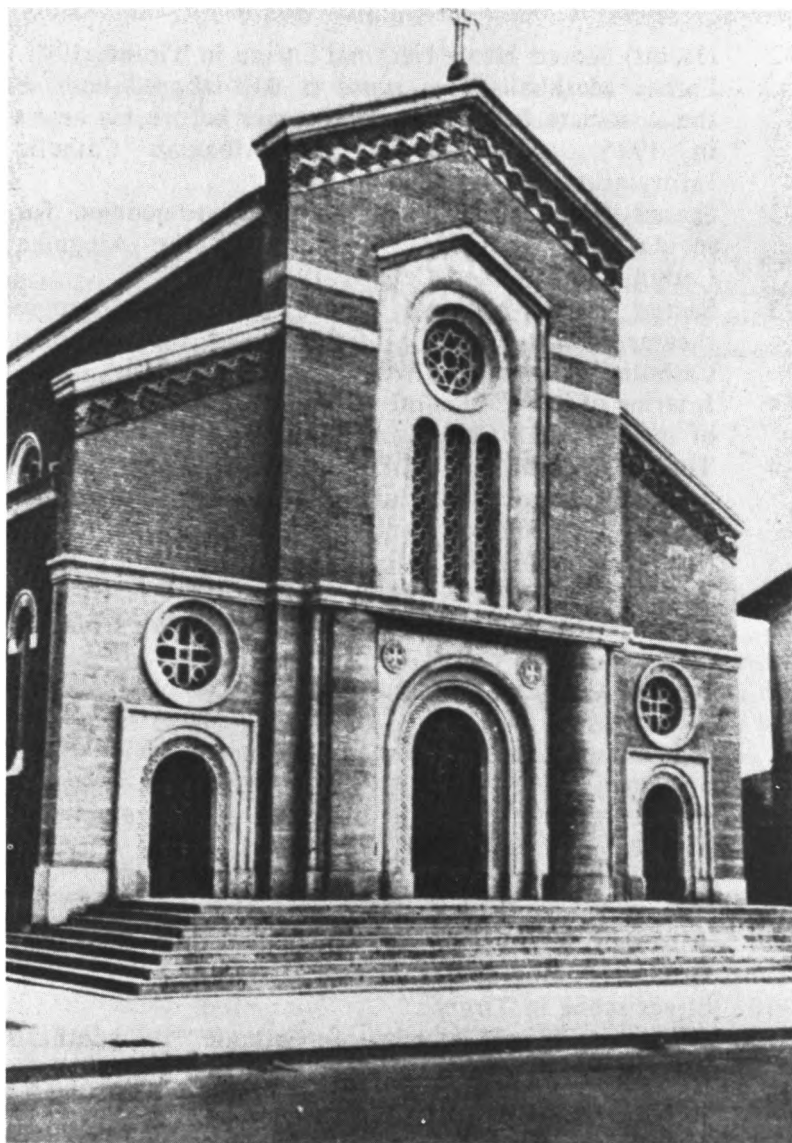
Article 84

Confrontation

If there are contradictory statements among those accused, among the witnesses, or between the witness and the accused, the court or the examining magistrate has the right to order a confrontation, which is recorded in a statement.

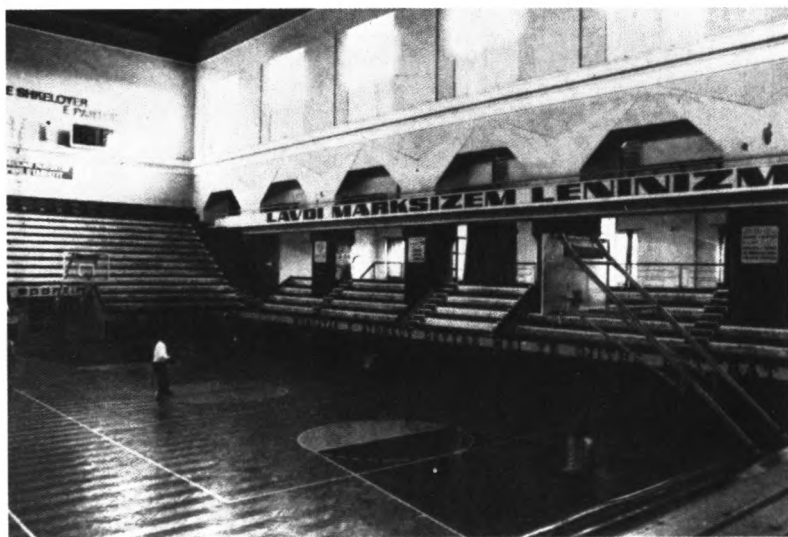
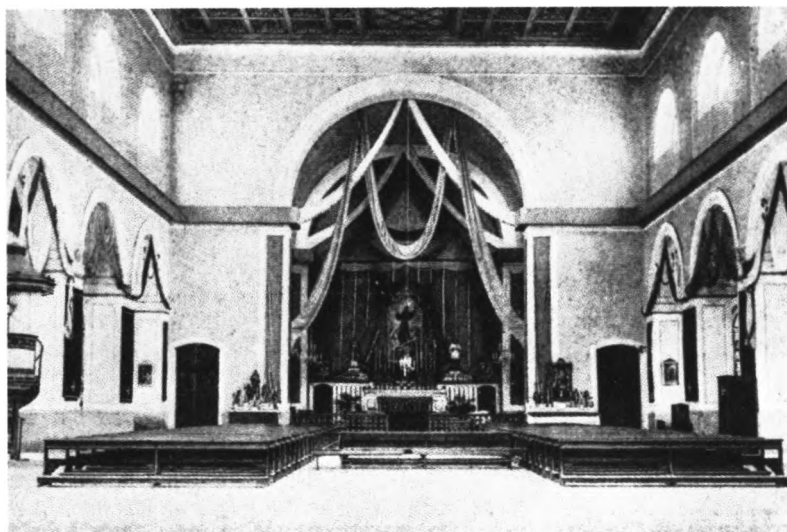
APPENDIX 5: PHOTOGRAPHS

- 5-2 (Jesuit) Sacred Heart National Shrine in Tiranë, 1941. Father Meshkalla (*see supra* p. 91) labored here as the Associate Pastor for many years before his arrest in 1946. Courtesy of the Albanian Catholic Information Center.
- 5-3 Sacred Heart National Shrine being remodeled for secular use in 1967. Courtesy of the Albanian Catholic Information Center.
- 5-3 Sacred Heart National Shrine today as a movie theater, *Rinia* (Youth). Courtesy of the Albanian Catholic Information Center.
- 5-4 Interior of the Cathedral of Shkodër, 1935. Courtesy of the Albanian Catholic Information Center.
- 5-4 The Cathedral of Shkodër today serves as a gymnasium and youth club. Courtesy of the Albanian Catholic Information Center.
- 5-5 Shkodër in northern Albania. Photograph by Kaye Stearman.
- 5-6 Albanian passer-by in Shkodër. Photograph by Kaye Stearman.
- 5-7 Albanian children in Durrës. Photograph by Kaye Stearman.
- 5-7 Albanian boy outside Shkodër. Photograph by Kaye Stearman.
- 5-8 People waiting in line to buy fruit and vegetables in Tiranë.
- 5-9 Horse-drawn wagon in Tiranë.
- 5-9 Store window displaying Enver Hoxha.
- 5-10 Albanian soldiers on guard at the tomb of Enver Hoxha. Photograph by Greg Page.
- 5-10 Street scene in Tiranë.
- 5-11 Perparim Prison north of Sarandë in southern Albania. (A recent photograph taken through the window of a bus.)
- 5-11 Palace of Culture on Skënderbeg Square, Tiranë. (Note absence of motor traffic.) Photograph by Kaye Stearman.





Appendix 5-3





Appendix 5-5













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The present Albanian Government came to power in the wake of World War II. As a result of its isolationist policies, the Government has evaded international scrutiny of its human rights practices. This report issued by the Minnesota Lawyers International Human Rights Committee is the result of more than two years of research on human rights conditions in Albania. It concludes that the Albanian Government has violated the most fundamental human rights of its citizens.

Among the report's findings are the following:

- ★ Freedom of movement is strictly controlled; attempted escape from the country is punished as treason; borders are heavily guarded to prevent departures; travel within the country is strictly monitored; and internal exile is used against those deemed "a danger to society."
- ★ Physical and psychological torture are used to repress dissent; a system of prisons and labor camps holds individuals on account of their political beliefs as well as other crimes; detainees are used as an inexpensive labor force for Albania's vital mining industry.
- ★ Religious practice is prohibited by Constitution and decree; all churches, mosques, and synagogues have been destroyed or converted into museums, theatres, sports facilities, or other uses; families are monitored for any sign of religious practice, with children often used as informants.

The Minnesota Lawyers International Human Rights Committee is a nongovernmental organization committed to promoting human rights and to investigating human rights violations in the United States and abroad. The Committee was formed in 1983 and now has over 800 members. Its activities consist of over 40 human rights projects and missions.